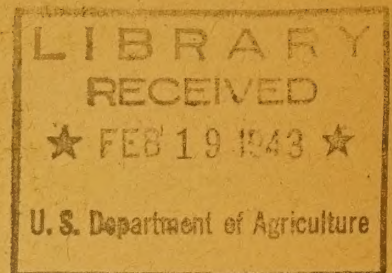


TITLE 7--AGRICULTURE
CHAPTER VII--AGRICULTURAL ADJUSTMENT AGENCY
AGRICULTURAL CONSERVATION AND ADJUSTMENT ADMINISTRATION

Part 727--Marketing Quota Regulations,
Flue-cured Tobacco - 1943-44
Marketing Year



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Part I Procedure for the Determination
of Acreage Allotments and Normal
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BY VIRTUE OF THE AUTHORITY vested in the Secretary of Agriculture by Title III of the Agricultural Adjustment Act of 1938, as amended, he does hereby make, prescribe, publish and give public notice of the foregoing Part I of the Marketing Quota Regulations for Flue-cured Tobacco for the 1943-44 Marketing Year, consisting of Procedure for Determination of Farm Acreage Allotments for 1943 to be in force and effect for said marketing year until amended or superseded by regulations hereafter made by the Secretary of Agriculture under said Act.

AUTHORITY: Sections 1 to 13, inclusive, are issued under authority contained in 52 Stat. 38, 47; 54 Stat. 392; 53 Stat. 1261; 56 Stat. 51; 7 U. S. C. 1940 ed. 1301(b) 1313; 52 Stat. 66; 7 U. S. C. 1940 ed. 1375.

GENERAL

Section 1. Definitions. As used in this procedure and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them, unless the context or subject-matter otherwise requires.

(a) Flue-cured Allotment Procedure for 1943 means this Tobacco 703 (Flue-cured).

(b) County committee means the group of persons elected within any county to assist in the administration of the Agricultural Conservation Programs in such county.

(c) New farm means a farm on which tobacco was not produced in any of the five years 1938 to 1942 but on which tobacco will be produced in 1943.

(d) Old farm means a farm on which tobacco was produced in one or more of the five years 1938 to 1942 and on which tobacco will be produced in 1943.

(e) Operator means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(f) Person means an individual, partnership, association, corporation, estate or trust or other business enterprise or other legal entity and wherever applicable, a State a political subdivision of a State or any agency thereof.

(g) State committee means the group of persons designated within any State to assist in the administration of the Agricultural Conservation Programs in such State.

(h) Tobacco means flue-cured tobacco as classified in Service and Regulatory Announcement No. 118 of the Bureau of Agricultural Economics of the United States Department of Agriculture, as types 11, 12, 13 and 14.

Sec. 2. Extent of calculations and rule of fractions.

(a) All percentages shall be calculated to the nearest whole percent. Fractions of more than fifty-hundredths of one percent shall be rounded upward, and fractions of fifty-hundredths of one percent or less shall be dropped. For example, 87.51 percent would become 88 percent and 87.50 percent would become 87 percent.

(b) All acreage shall be calculated to the nearest one-tenth of an acre. Fractions of more than fifty-thousandths of an acre shall be rounded upward, and fifty-thousandths of

an acre or less shall be dropped. For example, 1.051 would become 1.1 and 1.050 would become 1.0

Sec. 3. Instructions and forms. The Administrator of the Agricultural Conservation and Adjustment Administration of the United States Department of Agriculture shall cause to be prepared and issued such instructions and such forms as may be deemed necessary or expedient for carrying out this procedure.

Sec. 4. Applicability of procedure. This allotment procedure for 1943 shall govern the establishment of farm acreage allotments and normal yields for flue-cured tobacco for use in connection with the 1943 Agricultural Conservation Program and in connection with farm marketing quotas for tobacco for the marketing year beginning July 1, 1943.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

Sec. 5. Determination of acreage allotments for old farms. The tobacco acreage allotment for an old farm shall be the 1942 acreage allotment (corrected if found to be in error) for the farm plus any acreage by which such allotment was reduced for the marketing year beginning July 1, 1942 because of violation of the 1941-42 Marketing Quota Regulations except as adjusted in accordance with the provisions of Sections 6, 7 and 8 below. Provided, however, no acreage allotted to the farm in 1942 from the State pools, except the acreage allotted to a farm, the owner of which was dispossessed of another farm by the acquisition thereof by a Federal agency for national defense purposes, shall be used in determining the 1943 allotment. This provision shall not be construed to prohibit determining any allotment for 1943 under the provisions of Section 8(a) below.

Sec. 6. Reduction of acreage allotment for violations of the 1942-43 Marketing Quota Regulations. If tobacco was sold or was permitted to be sold on a marketing card for any farm which was produced on a different farm the acreage allotment established for each such farm for 1943 shall be reduced by the amount of tobacco so marketed; provided, that such reduction shall not be made if the Secretary, through the county committee, determines that no person connected with such farm during the 1942-43 marketing year caused, aided, or acquiesced in such marketing. If proof of the disposition of any amount of tobacco produced on a farm is not furnished, as required by the Secretary, the acreage allotment shall be reduced by such amount of tobacco.

The amount of tobacco involved will be converted to an acreage basis by dividing such amount of tobacco by the actual yield for the farm during the year in which such tobacco was produced.

Sec. 7. Allotments by county committees. An amount not in excess of one-half of one percent of the 1942 acreage allotment for each State will be apportioned to the counties in the State on the basis of the percentage the county acreage allotment is of the State acreage allotment, unless otherwise recommended by the State committee and approved by the Regional Director. The acreage so apportioned to the county will be available for allotment by the county committee. A farm shall be eligible for allotment as provided hereunder (1) if the committee finds that the 1942 allotment for the farm is relatively smaller in relation to the land, labor and equipment available for the production of tobacco on the farm than the average of the allotments in relation to such factors on other farms in the county, or (2) if tobacco was harvested on the farm in 1942 and the acreage allotment for the farm was zero. In making the adjustment in the farm acreage allotment the county committee shall consider the past acreage of tobacco (harvested and diverted), the land, labor and equipment available for the production of tobacco, and crop rotation practices. In no event shall the amount of the adjustment of the acreage allotment for any farm under this provision be more than the larger of ten percent of the 1942 allotment or five-tenths of an acre; provided, that in the case of any farm on which tobacco was harvested in 1942 for which no acreage allotment was established, the committee may establish an allotment not exceeding ten percent of the acreage of tobacco harvested on the farm in 1942.

Any adjustment as provided above shall be subject to the approval of the State committee.

Sec. 8. Reallocation of allotments released from farms removed from agricultural production.

(a) Except as provided in subsection (b) of this section, the tobacco allotment determined or which would have been determined for any land which is removed from agricultural production because of acquisition by a State or Federal agency for any purpose or by a person for use in connection with the national defense program shall be available to the State committee for use in providing equitable allotments for farms on which tobacco was grown in one or more of the three years, 1940 through 1942, and which are operated in 1943 by persons who were producers of tobacco on land so removed from agricultural production. In so far as possible the allotments for farms operated by such persons shall be comparable to the allotments for other old farms in the same community which are similar with respect to land, labor and equipment available for the production of tobacco, crop rotation practices, soil and other physical factors affecting the production of tobacco, taking into consideration the allotment for the land removed from agricultural production. The allotment so determined shall be subject to the approval of the State committee and shall not exceed the larger of (1) the 1943 allotment previously determined for such land, or (2) the allotment which

was or would have been determined for the land removed from agricultural production; provided, that in no event shall the allotment so determined exceed the larger of 50 percent of the acreage of cropland in the farm, or three acres.

(b) The allotment determined or which would have been determined for any land acquired on or since January 1, 1940 by any Federal agency for national defense purposes shall be placed in a State pool and shall be used in determining equitable allotments for farms owned or purchased by owners displaced because of acquisition of their farm by a Federal agency for national defense purposes. Upon application to the county committee, any owner so displaced shall be entitled to have an allotment for any one of the other farms owned or purchased by him equal to an allotment which would have been determined for such other farm plus the allotment which would have been determined for the farm acquired by the Federal agency; provided, that such allotment shall not exceed 50 percent of the acreage of cropland in the farm. The provisions of this subsection shall not be applicable if (1) there is any marketing quota penalty due with respect to the marketing of tobacco from the farm or by the owner of the farm at the time of its acquisition by the Federal agency; (2) any tobacco produced on such farm has not been accounted for as required by the Secretary; or (3) if the allotment next to be established for the farm acquired by the Federal agency would have been reduced because of false or improper identification of tobacco produced on or marketed from such farm.

Sec. 9. Farms subdivided or combined by reconstitution.

(a) If land operated as a single farm in 1942 or any previous year has subsequently been subdivided and will be operated in 1943 as two or more farms, the 1943 tobacco acreage allotment determined or which otherwise would have been determined for the entire farm shall be apportioned among the tracts in the same proportion as the acreage of cropland suitable for the production of tobacco on each such tract in such year bore to the total number of acres of cropland suitable for the production of tobacco on the entire farm in such year unless otherwise recommended by the county committee and approved by the State Committee.

(b) If two or more farms operated separately in 1942, or any previous year, have subsequently been combined and will be operated in 1943 as a single farm, the 1943 allotment shall be the sum of the 1943 allotments determined or which otherwise would have been determined for each of the farms composing the combination.

Sec. 10. Determination of normal yields. The normal yield for any farm shall be that yield which the county committee determines is normal for the farm taking into consideration (1) the yields obtained on the farm during the years

1937-41; (2) the soil and other physical factors affecting the production of tobacco on the farm and (3) the yields obtained on other farms in the locality which are similar with respect to such factors. The weighted average of the normal yields for all farms in each county shall not exceed the normal yield established for the county in 1942, unless an adjustment for abnormal conditions is made by the Secretary upon recommendations of the State committee.

ACREAGE ALLOTMENTS AND YIELDS FOR NEW FARMS

Sec. 11. Determination of acreage allotments for new farms. The acreage allotment, other than an allotment made under Section 8(b), for a new farm shall be that acreage which the county committee determines is fair and reasonable for the farm taking into consideration each of the following factors:

- (1) The past tobacco experience of the farm operator;
- (2) The acreage of cropland in the farm suitable for tobacco production;
- (3) The number of families on the farm available for tobacco production;
- (4) The acreage capacity of barns which are located on the farm and which are in usable condition and available for the curing of tobacco;
- (5) The customary crop rotation practices; and
- (6) The adaptability of the soil to the growing of tobacco;

Provided, that the acreage allotment so determined shall be subject to approval by the State committee and shall not exceed the smallest of (a) one-fifth of the total acreage of tobacco grown by the farm operator during the five years 1938 through 1942; (b) one-half of the acreage capacity of the curing barns which are located on the farm and which are in usable condition and available for the curing of tobacco for the farm, or (c) one acre.

Notwithstanding any other provisions of this section a tobacco acreage allotment shall not be established for any new farm unless the following conditions have been met:

- (1) The farm operator shall have had two years or more experience in growing tobacco as a sharecropper, tenant, or as a farm operator during the past five years;

- (2) The farm operator shall be living on the farm and largely dependent on this farm for his livelihood;
- (3) The farm covered by the application shall be the only farm owned or operated by the farm operator on which any tobacco is produced; and
- (4) No kind of tobacco other than flue-cured will be grown on such farm in 1943.

The acreage allotments established as provided in this section shall be subject to such downward adjustment as is necessary to bring such allotments in line with the total acreage available for allotment to all new farms. The acreage available for establishing allotments for new farms shall be one-tenth of one percent of the national allotment.

Sec. 12. Time for filing application. In order to obtain an allotment for a new tobacco farm in 1943, the operator of the farm shall file an application for such allotment with the county committee prior to February 1, 1943.

Sec. 13. Determination of normal yields. The normal yield for a new farm shall be that yield per acre which the county committee determines is reasonable for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

(SEAL)

Done at Washington, D. C.,
this 21th day of December 1942.
Witness my hand and the seal of
the Department of Agriculture.

/s/ Grover B. Hill
Acting Secretary of Agriculture

Issued March 26, 1943

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL ADJUSTMENT AGENCY

MARKETING QUOTA REGULATIONS
FLUE-CURED TOBACCO, 1943-44 MARKETING YEAR

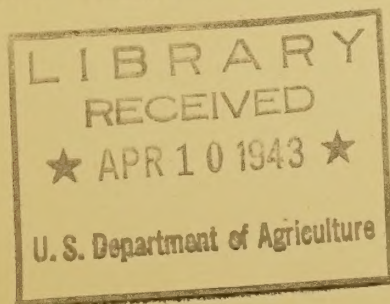
Pursuant to the authority vested in the Secretary of Agriculture, by Title III of the Agricultural Adjustment Act of 1938, as amended, public notice is hereby given of amendment to Tobacco 703 (Flue-cured) Marketing Quota Regulations, Flue-cured Tobacco, 1943-44 Marketing Year, Part I, Procedure for the Determination of Acreage Allotments and Normal Yields for 1943, as amended, which regulations shall be in force and effect until rescinded, suspended, amended, or superseded by regulations hereafter made by the Secretary of Agriculture under said Act.

AUTHORITY: 52 Stat. 38, 47; 54 Stat. 392; 53 Stat. 1261; 56 Stat. 51; 7 U. S. C. 1940 ed. 1301 (b) 1313; 52 Stat. 66; 7 U. S. C. 1940 ed. 1375 (a).

Section 7 of Tobacco 703 (Flue-cured) Part I, Marketing Quota Regulations, Flue-cured Tobacco, 1943-44 Marketing Year, issued December 21, 1942, is hereby amended to read as follows:

Section 7 Allotments by county committees. An amount not in excess of two percent of the 1940 acreage allotment for each State will be available for allotment by the respective county committees. A farm shall be eligible upon application for allotment as provided hereunder (1) if the committee finds that the 1942 allotment for the farm is relatively smaller in relation to the land, labor and equipment available for the production of tobacco on the farm than the average of the allotments in relation to such factors on other farms in the county, or (2) if tobacco was harvested on the farm in 1942 and no acreage allotment was established for the farm. In making the adjustment in the farm acreage allotment, the county committee shall consider the past acreage of tobacco (harvested and diverted), the land, labor and equipment available for the production of tobacco, and crop rotation practices. Particular consideration should be given to the land, labor and equipment available for the production of war crops as well as the proposed adjustment in tobacco acreage. In the case of any farm on which tobacco was harvested in 1942 for which no acreage allotment was established, the committee may establish an allotment not exceeding ten percent of the acreage of tobacco harvested on the farm in 1942. Without prior approval of the State committee, the acreage allotted under this section shall not exceed one percent of the county acreage allotment for 1940.

All adjustments as provided above shall be subject to the approval of the State committee.

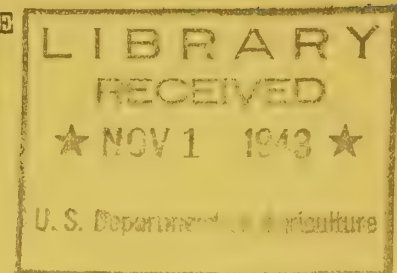


Done at Washington, D. C.
this 26th day of March 1943.
Witness my hand and the seal of
the Department of Agriculture.

/s/ Grover B. Hill
Acting Secretary of Agriculture

Issued March 12, 1943

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL ADJUSTMENT AGENCY



Marketing Quota Regulations,
Flue-cured Tobacco - 1943-44
Marketing Year

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Pursuant to the authority vested in the Secretary of Agriculture by Title III of the Agricultural Adjustment Act of 1938, as amended, public notice is hereby given of the following amendment to Tobacco 703, "Marketing Quota Regulations, Flue-cured Tobacco - 1943-44 Marketing Year", issued December 21, 1942. (Authority: 52 Stat. 38, 47; 54 Stat. 392; 53 Stat. 1261; 56 Stat. 51; 7 U.S.C. 1940 ed. 1301 (b) 1313; 52 Stat. 66; 7 U. S. C. 1940 ed. 1375 (a); 52 Stat. 64, 7 U. S. C. 1940 ed. 1371 (b), (c).)

1. Section 4 is amended to read as follows:

Section 4. Applicability of procedure. This allotment procedure for 1943 shall govern the establishment of farm acreage allotments and normal yields for flue-cured tobacco for use in connection with farm marketing quotas for tobacco for the marketing year beginning July 1, 1943.

2. The following new section is added:

Section 14. Increase in farm acreage allotments. Allotments for old or new farms determined under these regulations amounting to three acres or less shall be increased by one-tenth of an acre, and allotments amounting to more than three acres shall be increased by 5 percent.

Done at Washington, D. C.
as of the 12th day of March, 1943.
Witness my hand and the seal of the
Department of Agriculture

/s/ Grover B. Hill
Acting Secretary of Agriculture

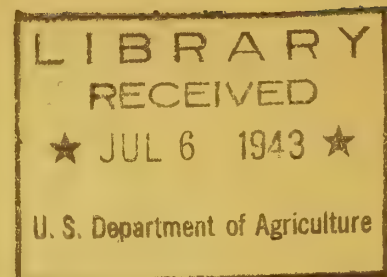
UNITED STATES DEPARTMENT OF AGRICULTURE
WAR FOOD ADMINISTRATION
AGRICULTURAL ADJUSTMENT AGENCY

Marketing Quota Regulations
Flue-cured Tobacco - 1943-44 Marketing Year

Part II

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Authority: Sections 1 to 30, inclusive, of these regulations are issued under authority contained in 52 Stat. 47, 48, 65, 66, 202; 53 Stat. 1261, 1262; 54 Stat. 393, 728; 55 Stat. 88; 7 U. S. C. 1940 ed. 1301 et seq.; Executive Order 9280 of December 5, 1942; and Executive Order 9322 of March 26, 1943, as amended, by Executive Order 9334 of April 19, 1943.

GENERAL

Section 1 Definitions. As used in these regulations and in all instructions, forms and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(1) Act means the Agricultural Adjustment Act of 1938, as amended.

(2) Administrator means the Administrator or Acting Administrator of the War Food Administration.

(3) Authorized representative of the Administrator means the Administrative Officer, or Acting Administrative Officer, Regional Tobacco Office, Swainsboro, Georgia, for the States of Alabama, Florida, Georgia and South Carolina, and the Chairman, or Acting Chairman, of any State Committee.

(4) County Committee means the group of persons elected within any county to assist in the administration of the Agricultural Conservation Program in such county.

(5) Dealer or buyer means a person who engages to any extent, in the business of acquiring tobacco from producers without regard to whether such person is registered as a dealer with the Bureau of Internal Revenue.

(6) Farm means any tract or tracts of land which are considered as a farm under the provisions of the 1943 Agricultural Conservation Program.

(7) Field Assistant means any employee of the Agricultural Adjustment Agency, United States Department of Agriculture, whose duties involve primarily the preparation and handling of records and reports pertaining to tobacco marketing quotas.

(8) Floor sweepings means all tobacco which is dropped on the warehouse floor in the course of the warehouse operations and is picked up by the warehouseman. Any tobacco accumulated in the course of the grading and tying of tobacco for farmers shall not be included as floor sweepings.

(9) Market means the disposition in raw or processed form of tobacco by voluntary or involuntary sale, barter or exchange, or by gift inter vivos. "Marketing" and "Marketed" shall have corresponding meanings to the term "Market".

(10) Nonwarehouse sale means any first marketing of farm tobacco other than by sale at public auction through a warehouse in the regular course of business.

(11) Operator means the person who is in charge of the supervision and the conduct of the farming operations on the entire farm.

(12) Person means an individual, partnership, association, corporation, estate or trust, or other business enterprise or other legal entity, and wherever applicable, a State, a political subdivision of the State or any agency thereof.

(13) Pound means that amount of tobacco which, if weighed in its unstemmed form and in the condition in which it is usually marketed by producers, would equal one pound standard weight.

(14) Producer means a person who, as owner, landlord, tenant, sharecropper, or laborer is entitled to share in the tobacco available for marketing from the farm, or in the proceeds thereof.

(15) Resale means the disposition by sale, barter, or exchange of tobacco which has been marketed previously.

(16) Sale day means the period at the end of which the warehouseman bills to buyers the tobacco so purchased during such period.

(17) Scrap tobacco means the residue accumulated in the course of preparing farm tobacco for market consisting chiefly of portions of tobacco leaves and leaves of poor quality.

(18) State committee means the group of persons designated within any State to assist in the administration of the Agricultural Conservation Program in such State.

(19) Suspended sale means any first marketing of farm tobacco at a warehouse sale for which a memorandum of sale is not issued by the end of the sale day on which such marketing occurred.

(20) Tobacco means flue-cured tobacco classified in Service and Regulatory Announcement No. 118 of the Bureau of Agricultural Economics of the United States Department of Agriculture as types 11, 12, 13 and 14, and collectively known as flue-cured tobacco.

(21) Tobacco available for marketing means all tobacco produced on the farm in the calendar year 1943 and all tobacco produced on the farm prior to the calendar year 1943 and carried over to the 1943-44 marketing year, which is not disposed of in accordance with Section 5 hereof, prior to the issuance of a marketing card for the farm.

(22) Tobacco subject to marketing quotas means any tobacco marketed during the period July 1, 1943, to June 30, 1944, inclusive, and any tobacco produced in the calendar year 1943 and marketed prior to July 1, 1943.

(23) Trucker means any person who engages in the business of trucking tobacco to market and selling it for producers regardless of whether the tobacco is acquired from producers by the trucker.

(24) Warehouseman means a person engaged in the business of holding sales of tobacco at public auction at a warehouse during the tobacco marketing season.

(25) Warehouse sale means a marketing by sale at public auction through a warehouse in the regular course of business.

Sec. 2. Instructions and forms. The Chief of the Agricultural Adjustment Agency shall cause to be prepared and issued such instructions and such forms as may be deemed necessary or expedient for carrying out these regulations.

FARM MARKETING QUOTAS

Sec. 3. Amount of farm marketing quota. The marketing quota for a farm shall be the actual production of tobacco on the farm acreage allotment, as established for the farm in accordance with Part I of the "Marketing Quota Regulations - Flue-cured Tobacco - 1943-44 Marketing Year" (Tobacco 703 Part I). The actual production of the farm acreage allotment shall be the average yield per acre of the entire acreage of tobacco harvested on the farm in 1943 times the farm acreage allotment. The excess tobacco on any farm shall be that quantity of tobacco which is equal to the average yield per acre of the entire acreage of tobacco harvested on the farm in 1943 times the number of acres harvested in excess of the farm acreage allotment.

Sec. 4. No transfers. There shall be no transfer of marketing quotas (except as provided in Part I of these regulations).

Sec. 5. Disposition of excess tobacco. The farm operator may elect to give satisfactory proof of disposition of excess tobacco prior to the marketing of any tobacco from the farm by any of the following methods:

- a. By a declaration of intention to market all tobacco available for marketing and the payment at the office of the county committee by check or money order drawn payable to the Treasurer of the United States in an amount equal to the penalty which would be due upon the marketing of the tobacco available for marketing. Any additional amount of

penalty determined to be due after all marketings of tobacco from the farm have been made shall be paid by the operator not later than 20 days after receipt of notice of such additional penalty. Any amount collected in excess of the penalty due shall be refunded upon request of the producer.

- b. By storage of the excess tobacco, the tobacco so stored to be representative of the entire 1943 crop produced on the farm, and posting of a bond approved by the county committee and an authorized representative of the Administrator in the penal sum of twice the amount of penalty which will become due upon the marketing of excess tobacco.
- c. By furnishing to the county committee satisfactory proof that the farm operator is unable to market the excess tobacco.

Sec. 6. Issuance of marketing cards. A marketing card shall be issued for every farm having tobacco available for marketing. Two or more marketing cards may be issued for any farm as approved by the county committee. All entires on each marketing card shall be made in accordance with the instructions for issuing marketing cards and the operator's agreement on each marketing card shall be signed by the farm operator or on his behalf by his authorized representative. Upon the return to the office of the county committee of the marketing card after all the memoranda of sale have been issued therefrom and before the marketing of tobacco from the farm has been completed, a new marketing card of the same kind, bearing the same name, information and identification as the used card shall be issued for the farm. Any marketing card issued to replace another card shall have entered thereon the total sales as shown on the marketing card which is replaced.

- a. Within Quota Marketing Card (MQ-756 Flue-cured). A Within Quota Marketing Card (MQ-756 Flue-cured) authorizing the marketing without penalty of the actual production of tobacco on the farm in the 1943 calendar year and any tobacco carried over from a prior marketing year shall be issued for a farm unless an excess marketing card is required to be issued for the farm in accordance with paragraph b of this section.
- b. Excess Marketing Card (MQ-757 Flue-cured). An Excess Marketing Card (MQ-757 Flue-cured) showing the extent to which marketings of tobacco from a farm are subject to penalty shall be issued for a farm under the following conditions:
 - (1) If the harvested acreage of tobacco in 1943 is in excess of the farm acreage allotment and such excess tobacco is not disposed of in accordance with Section

5 hereof, or if the operator of the farm also operates another farm on which the harvested acreage of tobacco in 1943 exceeds the farm acreage allotment and such excess is not disposed of in accordance with Section 5 hereof.

- (2) If a within quota marketing card could be issued for the farm but the county committee determines that a zero percent excess marketing card is necessary to protect the interest of the government and to insure proper identification of and accounting for the disposition of tobacco produced on the farm and the proper use of the marketing card issued for the farm.
- (3) If there is tobacco available for marketing from the farm but no tobacco acreage allotment was established and such tobacco is not disposed of as provided in Section 5 hereof.
- (4) If information required for preparation of the marketing card is not furnished or the county committee is prevented from obtaining the necessary information.
- (5) If there is tobacco available for marketing from the farm carried over from a prior marketing year and the harvested acreage in 1943 is not less than the 1943 acreage allotment by an amount equivalent to the acreage of carry-over excess determined as provided in Section 6, c, hereof.
- (6) If a farm operated by a publicly owned experiment station produces tobacco for other than experimental purposes and such tobacco is not disposed of as provided in Section 5 hereof.

c. Extent to which marketings from a farm are subject to penalty. The extent to which marketings of tobacco from any farm having no carry-over tobacco are subject to penalty shall be that percentage of the tobacco available for marketing from the farm which the acreage of tobacco harvested in excess of the farm acreage allotment for the farm and not disposed of as provided in Section 5 of these regulations is of the acreage of tobacco harvested from the farm.

The extent to which marketings of tobacco from any farm having tobacco available for marketing which has been carried over from a prior marketing year are subject to penalty shall be the percentage determined as follows:

1. Determine the number of "carry-over acres" by dividing the number of pounds of tobacco carried over from the prior year by the normal yield for the farm for that year.

2. Determine the number of "within quota carry-over acres" by multiplying the "carry-over acres" (1 above) by the "percent within quota" (i.e., 100 percent minus the percent excess) for the year in which the carry-over tobacco was produced.
3. Determine the "total acres" of tobacco by adding the "carry-over acres" (1 above) and the acreage of tobacco harvested in the current year.
4. Determine the excess acreage by subtracting from the "total acres" (3 above) the sum of the 1943 allotment and the "within quota carry-over acres" (2 above).
5. Determine the percent excess to be shown on the marketing card by dividing the "total acres" into the excess acreage (4 above).

The burden of any penalty with respect to carry-over tobacco shall be borne by those persons having an interest in such tobacco.

Sec. 7. Person authorized to issue cards. The county committee shall designate one person to sign marketing cards for farms in the county as issuing officer. The issuing officer may, subject to the approval of the county committee, designate not more than three persons to sign his name in issuing marketing cards; provided that each such person shall place his initials immediately beneath the name of the issuing officer as written by him on the card.

Sec. 8. Rights of producers in marketing cards. Each producer having a share in the tobacco available for marketing from the farm shall be entitled to the use of the marketing card for marketing his proportionate share of the total amount of tobacco available for marketing from the farm.

Sec. 9. Successors in interest. Any person who succeeds in whole or in part to the share of a producer in the tobacco available for marketing from the farm shall, to the extent of such succession, have the same rights as the producer to the use of the marketing card for the farm.

Sec. 10. Invalid cards. A marketing card shall be invalid under any of the following conditions:

- a. If it is not issued or delivered in the form and manner prescribed;
- b. If entries are not made thereon as required;
- c. If it is lost, destroyed, stolen, or becomes illegible;

- d. If any erasure of alteration has been made, and not properly initialed.

In the event any marketing card becomes invalid (other than by loss, destruction, theft or omission, alteration and incorrect entry which can be corrected by a field assistant) the farm operator (or the person having the card in his possession) shall return it to the county office at which it was issued.

If any entry is not made on a marketing card as required (either through omission or incorrect entry) and the proper entry is made by a field assistant then such card shall become valid.

Sec. 11. Report of misuse of marketing card. Any information which causes any field assistant, a member of any county committee, or any employee of the county committee to believe that any tobacco which actually was produced on one farm has been or is being marketed under the marketing card issued for another farm shall be reported immediately by such person to the authorized representative of the Administrator.

MARKETING OF TOBACCO AND PENALTIES

Sec. 12. Memorandum of sale to identify every marketing. Each marketing of tobacco from a farm shall be identified by a memorandum of sale issued from the marketing card (MQ-756 Flue-cured or MQ-757 Flue-cured) for the farm but if a memorandum of sale cannot be obtained within four weeks after the date of the marketing of any tobacco at a warehouse sale, such marketing of tobacco shall be subject to penalty and the amount of penalty shall be shown on the Sale Cleared Without Marketing Card (Tobacco 718). The memorandum of sale shall be issued only by a field assistant, with the following exceptions:

1. A warehouseman, or his authorized representative, who has been designated on an Authorization to Issue Memoranda of Sale (Tobacco 713) may issue a memorandum of sale to identify a warehouse sale, if a field assistant is not available at the warehouse when the card is presented by the farmer. Each memorandum of sale issued by a warehouseman shall be presented promptly by him to the field assistant for verification with the warehouse records.
2. A dealer operating a receiving point for scrap tobacco at a redrying plant (and other regular receiving points operated by such dealer or his agents or employees) or at an auction warehouse, and who keeps records showing the information specified in subsection 23 (f) who has been authorized on form Tobacco 713, may issue a memorandum of sale covering a sale of scrap tobacco if the bill of nonwarehouse sale has been executed on the back of such memorandum of sale.

The authorization to issue memoranda of sale under paragraph 1 or 2 above may be withdrawn from any warehouseman or dealer upon written notice by the authorized representative of the Administrator.

Each excess memorandum of sale issued by a field assistant shall be checked by the warehouseman or dealer (or his representative) to determine whether the amount of penalty shown to be due has been correctly computed and such warehouseman or dealer shall not be relieved of any liability with respect to the amount of penalty due because of any error which may occur on the memorandum of sale.

Sec. 13. Bill of nonwarehouse sale. Each first marketing of farm tobacco, except a warehouse sale, shall be identified by a bill of nonwarehouse sale (reverse side of the memorandum of sale) completely executed by the buyer and the farm operator. If the bill of nonwarehouse sale is issued to cover scrap tobacco, the word "scrap" shall be written thereon immediately above the words "Bill of Nonwarehouse Sale."

Each bill of nonwarehouse sale covering any marketing except scrap tobacco shall be presented to a field assistant for issuance of a memorandum of sale and for recording in the Dealer's Record (Tobacco 715) in case of a purchase by a dealer other than a warehouseman.

Each bill of nonwarehouse sale covering scrap tobacco shall be delivered to a person at a receiving point who has been authorized to issue memoranda of sale.

Sec. 14. Marketings free of penalty. Any tobacco marketed from a farm which is identified by a valid memorandum of sale from the marketing card issued for the farm shall be free of penalty to the extent shown by the memorandum of sale.

Sec. 15. Marketings subject to penalty and collection of penalties.

- a. Farm tobacco. With respect to tobacco marketed from farms having excess tobacco available for marketing, the penalty shall be paid upon that proportion of each lot of tobacco which the tobacco available for marketing in excess of the farm quota (at the time of issuance of the marketing card) is of the total amount of tobacco available for marketing from the farm. The memorandum of sale issued to identify such marketing of tobacco shall show that portion of such marketing which is subject to penalty, and any portion of each marketing of tobacco which is not shown by the memorandum as being subject to penalty shall be free of penalty.
- b. Dealer's tobacco. Any marketing of tobacco by a dealer which such dealer represents to be a resale, but all or any part of which, when added to prior resales by such

dealer as shown on Form Tobacco 715 is in excess of the total amount of purchases as shown on such dealer's record shall be a marketing of tobacco subject to penalty unless and until the dealer furnished proof acceptable to the Administrator showing that such tobacco is not subject to penalty. Any marketing of tobacco by a dealer which such dealer represents to be a resale of tobacco previously purchased by him but which, because of the difference in the price at which such tobacco is resold as compared with the price at which he had purchased the tobacco, cannot reasonably be regarded as tobacco previously purchased by him shall be taken to be a marketing of tobacco subject to penalty.

- c. Tobacco not identified by a valid memorandum. Any tobacco marketed from a farm which is not identified by a valid memorandum of sale shall be subject to penalty.

Sec. 16. Persons to pay penalty. The person to pay the penalty due on any marketing of excess tobacco shall be one of the following as applicable.

- a. Warehouseman. If the tobacco is marketed by the producer through a warehouseman the penalty shall be paid by the warehouseman, who may deduct an amount equivalent to the penalty from the price paid to the producer.
- b. Dealer. If the tobacco is acquired from the producer by a dealer, the penalty shall be paid by the dealer who may deduct an amount equivalent to the penalty from the price paid to the producer.
- c. Agent. If the tobacco is marketed by the producer through an agent who is not a warehouseman, the penalty shall be paid by the agent, who may deduct an amount equivalent to the penalty from the price paid to the producer.
- d. Warehouseman and dealer on dealer's tobacco. Any penalty due upon tobacco subject to penalty under paragraph (b) of Section 15 shall be paid by the warehouseman, who may deduct an amount equivalent to the penalty from the price paid to the dealer, but the dealer shall not be relieved of responsibility for payment of such penalty.
- e. Producer marketing outside United States. If the tobacco is marketed by the producer directly to any person outside the United States, the penalty shall be paid by the producer.

Sec. 17. Rate of penalty. The penalty shall be ten cents per pound upon the marketing of any tobacco in excess of the marketing quota for the farm on which the tobacco is produced and on the marketing of any other tobacco not identified under these regulations as being free of penalty.

Sec. 18. Payment of penalty. Penalties upon the marketing of tobacco shall become due at the time of the marketing and shall be paid by remitting the amount thereof to the authorized representative of the Administrator not later than the end of the calendar week following the week in which the memorandum of sale was issued, or, in the event a memorandum is not issued, not later than four weeks after the date upon which the tobacco was sold. A draft, money order, or check drawn payable to the Treasurer of the United States may be used to pay any penalty, but any such draft, or check shall be received subject to payment at par.

Sec. 19. Penalty for false identification or failure to account for disposition of tobacco. If any producer falsely identifies or fails to account for the disposition of any tobacco, an amount of tobacco equal to the normal yield of the number of acres harvested in 1943 in excess of the farm acreage allotment shall be deemed to have been marketed in excess of the marketing quota for the farm and the penalty in respect thereof shall be paid and remitted by the producer.

Sec. 20. Request for return of penalty. Any producer of tobacco and any other person who bore the burden of the payment of any penalty collected may request the return of the amount of such penalty which is in excess of that amount equal to ten cents per pound upon the number of pounds of excess tobacco marketed.

Any request for the return of penalty filed by any producer of tobacco on a farm on which the tobacco available for marketing is in excess of the farm marketing quota shall not be approved unless (1) the marketing of tobacco from the farm has been completed and (2) satisfactory proof is furnished to the county committee that all unmarketed excess tobacco is unmarketable.

Return of penalty collected upon marketings of tobacco from any farm having excess tobacco shall be made only upon the basis of tobacco produced on the farm and, if the county committee determines that any of the unmarketed excess tobacco as reported for the farm by the farm operator was not actually produced thereon, the application for such farm shall not be approved with respect to that tobacco which the committee determines was not produced on the farm.

RECORDS AND REPORTS

Sec. 21. Producer's records and reports.

- a. Report on marketing card. The operator of each farm on which tobacco is produced in 1943 shall return to the office of the county committee each marketing card issued for the farm whenever marketings from the farm are completed and in no event later than thirty days after the close of the tobacco auction markets

for the area in which the farm is located. Failure to return the marketing card within the time specified (after formal notification) shall constitute failure to give proof of disposition of tobacco marketed from the farm in the event that satisfactory proof of such disposition is not furnished otherwise.

- b. Additional reports by producers and identification of tobacco. In addition to any other reports which may be required under these regulations, the operator of each farm or any other person having an interest in the tobacco grown on the farm (even though the harvested acreage does not exceed the acreage allotment and even though no allotment was established for the farm) shall, upon written request by an authorized representative of the Administrator and within ten days after the deposit of such request in the United States mails addressed to such person at his last known address, furnish the Administrator, by sending the same to the authorized representative of the Administrator, a written report showing, as to the farm at the time of filing said report (a) the number of acres of tobacco harvested, (b) the total production of tobacco, (c) the amount of tobacco on hand and its location, and (d) as to each lot of tobacco marketed, the name and address of the warehouseman, dealer, or other person to or through whom such tobacco was marketed and the number of pounds marketed, the gross price, and the date of marketing.

Sec. 22. Warehouseman's records and reports.

- a. Record of marketings. Each warehouseman shall keep such records as will enable him to furnish to the Administrator a report of the following information with respect to each sale or resale of tobacco made at his warehouse:
- (1) The name of the seller (and, in the case of a sale for a producer, the name of the operator of the farm on which the tobacco was produced.)
 - (2) The name of the purchaser.
 - (3) The date of sale.
 - (4) The number of pounds sold.
 - (5) The gross sale price.
 - (6) The amount of any penalty and the amount of any deduction on account of penalty from the price paid the producer (or a dealer).

All purchases and resales for the warehouse leaf account shall be so identified in the records and a separate account shall be maintained with respect to the amount of floor sweepings picked up and the disposition of such floor sweepings. The quantity of floor sweepings, including bundles, leaves and scrap, picked up by the warehouse after each sale shall be reported in the space provided on the Auction Warehouse Report (Tobacco 716). Any warehouseman who grades tobacco for farmers shall maintain a separate account showing the approximate amount of grading house scrap obtained from the tobacco graded from each farm. In the case of resales for dealers the name of the dealer making each resale shall be shown on the warehouse records so that the individual lots of tobacco sold by the dealer can be identified.

- b. Identification of sale on check register. The serial number of the memorandum of sale issued to identify each marketing of tobacco from the farm or the number of the warehouse bill(s) covering each such marketing shall be recorded on the check register or check stub for the check written with respect to such sale of tobacco.
- c. Memorandum of sale and bill of nonwarehouse sale. A record in the form of a valid memorandum of sale (or a sale cleared without marketing card) shall be obtained by every warehouseman to cover each marketing of tobacco from a farm through the warehouse, and if a warehouseman buys tobacco directly from a farmer (other than at a warehouse auction sale as defined in these regulations) such warehouseman shall obtain a valid memorandum of sale to cover each such purchase of tobacco, together with properly executed bill of nonwarehouse sale. Any warehouseman who obtains possession of any grading house scrap in the course of grading tobacco from any farm shall obtain a memorandum of sale to cover the amount of such scrap tobacco from such farm.
- d. Suspended sale record. Any warehouse bills covering farm tobacco for which memoranda of sale have not been issued at the end of the sale day shall be presented to a field assistant who shall stamp such bills "Suspended" write thereon the serial number of the suspended sale, and record the bills on the Field Assistant's Report (Tobacco 719) provided that if a field assistant is not available, the warehouseman may stamp such bills "Suspended" and deliver them to a field assistant as soon as one is available.
- e. Warehouse entries on dealers' records. Each warehouseman shall enter on each Form Tobacco 715 the total of purchases and resales made by such dealer during each

sale day at the warehouse. If any tobacco resold by the dealer is tobacco bought by him from a crop produced prior to 1943 the entry on the dealer's record shall clearly show such fact.

- f. Daily report of warehouse business and report of penalties. Each warehouseman shall make reports on Form Tobacco 716 and on the Report of Penalties (Tobacco 717) showing the information required on the respective reports. Form Tobacco 716 shall be prepared for each sale day and all reports for the sale days occurring during any week shall be forwarded to the authorized representative of the Administrator not later than the end of the next following calendar week. Form Tobacco 717 shall be prepared for each week and the report for each week shall be forwarded, together with remittances of the penalties due, as shown thereon, to the authorized representative of the Administrator not later than the end of the next following calendar week.
- g. Additional records and reports. In addition to the records and reports provided above, each warehouseman shall keep such additional records and make such additional reports to the Administrator as an authorized representative of the Administrator may find necessary in order to enforce these regulations.

Sec. 23. Dealer's records and reports. Each dealer except as provided in Section 24 below, shall keep the records and make the reports as provided by this section.

- a. Report of dealer's name, address and registration number. Each dealer shall properly execute and the field assistant shall detach and forward to the authorized representative of the Administrator the page "Receipt for Dealer's Record" contained in Form Tobacco 715 which is issued to the dealer.
- b. Record and report of purchases and resales. Each dealer shall keep a record and make reports on Form Tobacco 715 showing all purchases and resales of tobacco made by the dealer and, in the event of resale of tobacco bought from a crop produced prior to 1943, the fact that such tobacco was bought by him and carried over from a crop produced prior to 1943.
- c. Report of penalties. Each dealer shall make a report on Form Tobacco 717 showing the information with respect to all purchases subject to penalty made by him during each calendar week. The penalties listed on each such report shall be remitted with the report.
- d. Memorandum of sale and bill of nonwarehouse sale. For each lot of tobacco purchased from a farmer each dealer shall obtain a record in the form of a valid memorandum of

sale issued by a field assistant or by an authorized representative of a scrap tobacco receiving point in the case of scrap tobacco sold and delivered to such receiving point. No memorandum of sale shall be issued unless the bill of nonwarehouse sale, on the reverse side of the memorandum of sale, has been executed.

- e. Record and report of scrap tobacco. Each scrap tobacco receiving point which has been authorized to issue memoranda of sale on form Tobacco 713 shall keep a record and make reports on Form Tobacco 715 showing all tobacco received. Such report shall be accompanied by memoranda of sale and bills of nonwarehouse sale with respect to all tobacco covered by the report.
- f. Additional records. Each dealer shall keep such records, in addition to the foregoing, as may be necessary to enable him to furnish the following information with respect to each lot of tobacco purchased or sold by him:
 - (1) The name of the seller (and in the case of a purchase from a producer, the name of the operator of the farm on which the tobacco was produced).
 - (2) The name of the purchaser.
 - (3) The date of the transaction.
 - (4) The number of pounds sold.
 - (5) The gross sale price.
 - (6) In the event of resale of tobacco bought by him and carried over from a crop produced prior to 1943, the fact that such tobacco was so bought and carried over.

All reports shall be forwarded to the authorized representative of the Administrator not later than the end of the week following the calendar week covered by the reports.

Sec. 24. Dealers exempt from regular records and reports. Any dealer who does not purchase or otherwise acquire tobacco except at a warehouse sale and who does not resell, in the form in which tobacco ordinarily is sold by farmers, more than ten percent of the tobacco purchased by him, shall not be subject to the provisions of Section 23 of these regulations; but each such dealer shall make such reports to the Administrator as an authorized representative of the Administrator may find necessary to enforce these regulations.

Sec. 25. Records and reports of truckers, redryers, etc. Every person engaged in the business of trucking tobacco for producers shall keep such records as will enable him to furnish

the Administrator a report with respect to each lot of tobacco received by him showing the name and address of the farm operator, the date of the receipt of the tobacco, the number of pounds received, and the place to which it was delivered. Every person engaged in the business of redrying, prizing, or stemming tobacco for producers shall keep such records as will enable him to furnish the Administrator a report showing the information provided above for truckers and in addition the purpose for which the tobacco was received, the amount of advance made by him on the tobacco, and the disposition of the tobacco. Each such person shall make such reports to the Administrator as an authorized representative of the Administrator may find necessary to enforce these regulations.

Sec. 26. Separate records and reports from persons engaged in more than one business. Any person who is required to keep any record or make any report as a warehouseman, dealer, processor, or as a person engaged in the business of redrying, prizing, or stemming tobacco for producers, and who is engaged in more than one such business, shall keep such records as will enable him to make separate reports for each such business in which he is engaged, to the same extent for each such business as if he were engaged in no other business, except that a warehouseman shall not be required to keep a record and make reports on Form Tobacco 715, if the transactions which would be recorded and reported on such forms are recorded on the records kept by the warehouse in its regular course of business and reported as required on form Tobacco 716.

Sec. 27. Failure to keep records or make reports. Any warehouseman, dealer, processor, or common carrier of tobacco, or person engaged in the business of redrying, prizing or stemming tobacco for producers, who fails to make any report or keep any record as required under these regulations, or who makes any false report or record, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than \$500; and any tobacco warehouseman or dealer who fails to remedy such violation by making a complete and accurate report or keeping a complete and accurate record as required under these regulations within fifteen days after notice to him of such violation shall be subject to an additional fine of \$100 for each ten thousand pounds of tobacco, or fraction thereof, bought or sold by him after the date of such violation; Provided, that such fine shall not exceed \$5,000; and notice of such violation shall be served upon the tobacco warehouseman or dealer by mailing the same to him by registered mail or by posting the same at an established place of business operated by him, or both. Notice of any violation by a tobacco warehouseman or dealer shall be given by an authorized representative of the Administrator.

Sec. 28. Examination of records and reports. For the purpose of ascertaining the correctness of any report made or record kept, or of obtaining information required to be furnished in any

report, but not so furnished, any warehouseman, dealer, processor, common carrier or person engaged in the business of redrying, prizing or stemming tobacco for producers shall make available for examination, upon written request by an authorized representative of the Administrator such books, papers, records, accounts, correspondence, contracts, documents, and memoranda as he has reason to believe are relevant and are within the control of such person.

Sec. 29. Length of time records and reports to be kept. Records required to be kept and copies of the reports required to be made by any person under these regulations for the 1943-44 marketing year shall be kept by him until June 30, 1945, and for such longer period of time as may be requested in writing by an authorized representative of the Administrator.

Sec. 30. Information confidential. All data reported to or acquired by the Administrator pursuant to the provisions of these regulations shall be kept confidential by all officers and employees of the War Food Administration and only such data so reported or acquired as the Administrator deems relevant shall be disclosed by them and then only in a suit or administrative hearing under Title III of the Act.

Done at Washington, D. C.,
this 26th day of June, 1943.

/s/ Chester C. Davis
War Food Administrator

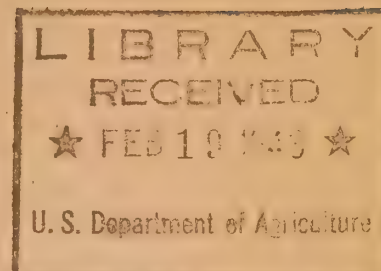
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Tobacco 703 (Burley)
Part I

Issued December 31, 1942

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL ADJUSTMENT AGENCY

MARKETING QUOTA REGULATIONS
BURLEY TOBACCO, 1943-44 MARKETING YEAR



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Acreage Allotments and Normal Yields
for 1943

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ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

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BY VIRTUE OF THE AUTHORITY vested in the Secretary of Agriculture by Title III of the Agricultural Adjustment Act of 1938, as amended, he does hereby make, prescribe, publish and give public notice of the foregoing Part I of the Marketing Quota Regulations for Burley Tobacco for the 1943-44 Marketing Year, consisting of Procedure for Determination of Farm Acreage Allotments for 1943 to be in force and effect for said marketing year until amended or superseded by regulations hereafter made by the Secretary of Agriculture under said Act.

AUTHORITY: Sections 1 to 13, inclusive, are issued under authority contained in 52 Stat. 38, 47; 54 Stat. 392; 53 Stat. 1261; 56 Stat. 51; 7 U. S. C. 1940 ed. 1301(b) 1313; 52 Stat. 66; 7 U. S. C. 1940 ed. 1375(a).

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GENERAL

Section 1. Definitions. As used in this procedure and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them, unless the context or subject-matter otherwise requires.

(a) Burley Allotment Procedure for 1943 means this Tobacco 703 (Burley).

(b) County committee means the group of persons elected within any county to assist in the administration of the Agricultural Conservation Programs in such county.

(c) New farm means a farm on which tobacco was not produced in any of the five years 1938 to 1942 but on which tobacco will be produced in 1943.

(d) Old farm means a farm on which tobacco was produced in one or more of the five years 1938 to 1942 and on which tobacco will be produced in 1943.

(e) Operator means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(f) Person means an individual, partnership, association, corporation, estate or trust or other business enterprise or other legal entity and wherever applicable, a State, a political subdivision of a State or any agency thereof.

(g) State committee means the group of persons designated within any State to assist in the administration of the Agricultural Conservation Programs in such State.

(h) Tobacco means Burley tobacco as classified in Service and Regulatory Announcement No. 118 of the Bureau of Agricultural Economics of the United States Department of Agriculture, as type 31.

Sec. 2. Extent of calculations and rule of fractions.

(a) All percentages shall be calculated to the nearest whole percent. Fractions of more than fifty-hundredths of one percent shall be rounded upward, and fractions of fifty-hundredths of one percent or less shall be dropped. For example, 87.51 percent would become 88 percent and 87.50 percent would become 87 percent.

(b) All acreage shall be calculated to the nearest one-tenth of an acre. Fractions of more than fifty-thousandths

of an acre shall be rounded upward, and fifty-thousandths of an acre or less shall be dropped. For example, 1.051 would become 1.1 and 1.050 would become 1.0

Sec. 3. Instructions and forms. The Administrator of the Agricultural Conservation and Adjustment Administration of the United States Department of Agriculture shall cause to be prepared and issued with his approval such instructions and such forms as may be necessary or expedient for carrying out this procedure.

Sec. 4. Applicability of procedure. This allotment procedure for 1943 shall govern the establishment of farm acreage allotments and normal yields for Burley tobacco for use in connection with the 1943 Agricultural Conservation Program and in connection with farm marketing quotas for tobacco for the marketing year beginning October 1, 1943.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

Sec. 5. Determination of acreage allotments for old farms. The tobacco acreage allotment for an old farm shall be 110% of the 1942 acreage allotment (corrected if found to be in error) for the farm plus any acreage by which such allotment was reduced for the marketing year beginning October 1, 1942, because of violation of the 1941-42 Marketing Quota Regulations except as adjusted in accordance with the provisions of Sections 6, 7 and 8 below. Provided, however, no acreage allotted to the farm in 1942 from the State pools, except the acreage allotted to a farm, the owner of which was dispossessed of another farm by the acquisition thereof by a Federal agency for national defense purposes, shall be used in determining the 1943 allotment. This provision shall not be construed to prohibit determining any allotment for 1943 under the provisions of Section 8(a) below. Notwithstanding the provisions of Section 2(b) hereof, all 1942 acreage allotments of five-tenths of one acre or less shall be increased one-tenth of one acre.

Sec. 6. Reduction of acreage allotment for violations of the 1942-43 Marketing Quota Regulations. If tobacco was sold or was permitted to be sold on a marketing card for any farm which was produced on a different farm the acreage allotment established for each such farm for 1943 shall be reduced by the amount of tobacco so marketed; provided, that such reduction shall not be made if the Secretary, through the county committee, determines that no person connected with such farm during the 1942-43 marketing year caused, aided, or acquiesced in such marketing. If proof of the disposition of any amount of tobacco produced on a farm is not furnished, as required by the Secretary, the acreage allotment shall be reduced by such amount of tobacco.

The amount of tobacco involved will be converted to an acreage basis by dividing such amount of tobacco by the actual yield for the farm during the year in which such tobacco was produced.

Sec. 7. Allotments by county committees. An amount not in excess of one-half of one percent of the 1942 acreage allotment for each State will be apportioned to the counties in the State on the basis of the percentage the county acreage allotment is of the State acreage allotment, unless otherwise recommended by the State committee and approved by the Regional Director. The acreage so apportioned to the county will be available for allotment by the county committee. A farm shall be eligible for allotment as provided hereunder (1) if the committee finds that the 1942 allotment for the farm is relatively smaller in relation to the land, labor and equipment available for the production of tobacco on the farm than the average of the allotments in relation to such factors on other farms in the county, or (2) if tobacco was harvested on the farm in 1942 and the acreage allotment for the farm was zero. In making the adjustment in the farm acreage allotment the county committee shall consider the past acreage of tobacco (harvested and diverted), the land, labor and equipment available for the production of tobacco, and crop rotation practices. In no event shall the amount of the adjustment of the acreage allotment for any farm under this provision be more than the larger of ten percent of the 1942 allotment or five-tenths of an acre; provided, that in the case of any farm on which tobacco was harvested in 1942 for which no acreage allotment was established the committee may establish an allotment not exceeding five-tenths of an acre.

Any adjustment as provided above shall be subject to the approval of the State committee.

Sec. 8. Reallocation of allotments released from farms removed from agricultural production.

(a) Except as provided in subsection (b) of this section the tobacco allotment determined or which would have been determined for any land which is removed from agricultural production because of acquisition by a State or Federal agency for any purpose or by a person for use in connection with the national defense program shall be available to the State committee for use in providing equitable allotments for farms on which tobacco was grown in one or more of the three years, 1940 through 1942, and which are operated in 1943 by persons who were producers of tobacco on land so removed from agricultural production. In so far as possible the allotments for farms operated by such persons shall be comparable to the allotments for other old farms in the same community which are similar with respect to land, labor, and equipment available for the production of tobacco, crop-rotation practices, soil and other physical factors affecting the production of tobacco, taking into consideration the allotment for the land removed from agricultural production. The allotment so determined shall be subject to the approval of the State committee and shall not exceed the larger of (1) the 1943 allotment previously determined for such farm,

or (2) the allotment which was or would have been determined for the land removed from agricultural production; provided, that in no event shall the allotment so determined exceed the larger of 20 percent of the acreage of cropland in the farm or three acres.

(b) The allotment determined or which would have been determined for any land acquired on or since January 1, 1940 by any Federal agency for national defense purposes shall be placed in a State pool and shall be used in determining equitable allotments for farms owned or purchased by owners displaced because of acquisition of their farm by a Federal agency for national defense purposes. Upon application to the county committee, any owner so displaced shall be entitled to have an allotment for any one of the other farms owned or purchased by him, equal to an allotment which would have been determined for such other farm plus the allotment which would have been determined for the farm acquired by the Federal agency; provided, that such allotment shall not exceed 20 percent of the acreage of cropland in the farm. The provisions of this subsection shall not be applicable if (1) there is any marketing quota penalty due with respect to the marketing of tobacco from the farm or by the owner of the farm at the time of its acquisition by the Federal agency; (2) any tobacco produced on such farm has not been accounted for as required by the Secretary; or (3) if the allotment next to be established for the farm acquired by the Federal agency would have been reduced because of false or improper identification of tobacco produced on or marketed from such farm.

Sec. 9. Farms subdivided or combined by reconstitution.

(a) If land operated as a single farm in 1942 or any previous year has subsequently been subdivided and will be operated in 1943 as two or more farms, the 1943 tobacco acreage allotment determined or which otherwise would have been determined for the entire farm shall be apportioned among the tracts in the same proportion as the acreage of cropland suitable for the production of tobacco on each such tract in such year bore to the total number of acres of cropland suitable for the production of tobacco on the entire farm in such year unless otherwise recommended by the county committee and approved by the State committee.

(b) If two or more farms operated separately in 1942 or any previous year have subsequently been combined and will be operated in 1943 as a single farm, the 1943 allotment shall be the sum of the 1943 allotments determined or which otherwise would have been determined for each of the farms composing the combination.

Sec. 10. Determination of normal yields. The normal yield for any farm shall be that yield which the county committee determines is normal for the farm taking into consideration (1) the

yields obtained on the farm during the years 1937-41; (2) the soil and other physical factors affecting the production of tobacco on the farm and (3) the yields obtained on other farms in the locality which are similar with respect to such factors. The weighted average of the normal yields for all farms in each county shall not exceed the normal yield established for the county in 1942, unless an adjustment for abnormal conditions is made by the Secretary upon recommendations of the State committee.

ACREAGE ALLOTMENTS AND YIELDS FOR NEW FARMS

Sec. 11. Determination of acreage allotments for new farms.
The acreage allotment other than an allotment made under section 8(b) for a new farm shall be that acreage which the county committee determines is fair and reasonable for the farm taking into consideration each of the following factors:

- (1) The past tobacco experience of the farm operator;
- (2) The acreage of cropland in the farm suitable for tobacco production;
- (3) The acreage capacity of barns which are located on the farm and which are in usable condition and available for the curing of tobacco;
- (4) The customary crop rotation practices; and
- (5) The adaptability of the soil to the growing of tobacco;

Provided, that the acreage allotment so determined shall be subject to approval by the State committee and shall not exceed the smallest of (a) one-fifth of the total acreage of tobacco grown by the farm operator during the five years 1938 through 1942; (b) 75 percent of the average acreage allotment for old farms in the county; or (c) one acre.

Notwithstanding any other provisions of this section a tobacco acreage allotment shall not be established for any new farm unless the following conditions have been met:

- (1) The farm operator shall have had two years or more experience in growing tobacco as a sharecropper, tenant, or as a farm operator during the past five years;
- (2) The farm operator shall be living on the farm and largely dependent on this farm for his livelihood;

(3) The farm covered by the application shall be the only farm owned or operated by the farm operator on which any tobacco is produced; and

(4) No kind of tobacco other than Burley will be grown on such farm in 1943.

The acreage allotments established as provided in this section shall be subject to such downward adjustment as is necessary to bring such allotments in line with the total acreage available for allotment to all new farms. The acreage available for establishing allotments for new farms shall be one-tenth of one percent of the national allotment.

Sec. 12. Time for filing application. In order to obtain an allotment for a new tobacco farm in 1943, the operator of the farm shall file an application for such allotment with the county committee prior to February 1, 1943.

Sec. 13. Determination of normal yields. The normal yield for a new farm shall be that yield per acre which the county committee determines is reasonable for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

(SEAL)

Done at Washington, D. C.,
this 31st day of December 1942.
Witness my hand and the seal of
the Department of Agriculture.

/s/ Paul H. Appleby
Acting Secretary of Agriculture

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Tobacco 703 (Burley)
Part II

Issued October 6, 1943

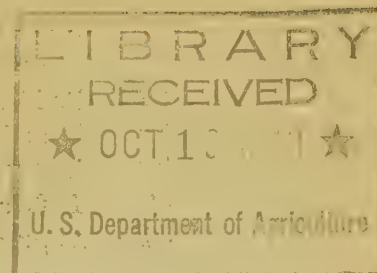
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UNITED STATES DEPARTMENT OF AGRICULTURE
WAR FOOD ADMINISTRATION
AGRICULTURAL ADJUSTMENT AGENCY

Marketing Quota Regulations
Burley Tobacco - 1943-44 Marketing Year

Part II

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Authority: Sections 1 to 31, inclusive, of these regulations are issued under authority contained in 52 Stat. 47, 48, 65, 66, 202; 53 Stat. 1261, 1262; 54 Stat. 393, 728; 55 Stat. 88; 7 U. S. C. 1940 ed. 1301 et seq., Public Law 138, 78th Congress; Executive Order 9280 of December 5, 1942; and Executive Order 9322 of March 26, 1943, as amended, by Executive Order 9334 of April 19, 1943.

GENERAL

Section 1. Definitions. As used in these regulations and in all instructions, forms and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(1) Act means the Agricultural Adjustment Act of 1938, as amended.

(2) Administrator means the Administrator or Acting Administrator of the War Food Administration.

(3) County Committee means the group of persons elected within any county to assist in the administration of the Agricultural Conservation Program in such county.

(4) Dealer or buyer means a person who engages to any extent, in the business of acquiring tobacco from producers without regard to whether such person is registered as a dealer with the Bureau of Internal Revenue.

(5) Farm means any tract or tracts of land which are considered as a farm under the provisions of the 1943 Agricultural Conservation Program.

(6) Field Assistant means any employee of the Agricultural Adjustment Agency, United States Department of Agriculture, whose duties involve primarily the preparation and handling of records and reports pertaining to tobacco marketing quotas.

(7) Floor sweepings means all tobacco which is dropped on the warehouse floor in the course of the warehouse operations and is picked up by the warehouseman. Any tobacco accumulated in the course of the grading and tying of tobacco for farmers shall not be included as floor sweepings.

(8) Market means the disposition in raw or processed form of tobacco by voluntary or involuntary sale, barter or exchange, or by gift inter vivos. "Marketing" and "Marketed" shall have corresponding meanings to the term "Market".

(9) Nonwarehouse sale means any first marketing of farm tobacco other than by sale at public auction through a warehouse in the regular course of business.

(10) Operator means the person who is in charge of the supervision and the conduct of the farming operations on the entire farm.

(11) Person means an individual, partnership, association, corporation, estate or trust, or other business enterprise or other legal entity, and wherever applicable, a State, a political subdivision of the State or any agency thereof.

(12) Pound means that amount of tobacco which, if weighed in its unstemmed form and in the condition in which it is usually marketed by producers, would equal one pound standard weight.

(13) Producer means a person who, as owner, landlord, tenant, sharecropper, or laborer is entitled to share in the tobacco available for marketing from the farm, or in the proceeds thereof.

(14) Resale means the disposition by sale, barter, or exchange of tobacco which has been marketed previously.

(15) Sale day means the period at the end of which the warehouseman bills to buyers the tobacco so purchased during such period.

(16) State committee means the group of persons designated within any State to assist in the administration of the Agricultural Conservation Program in such State.

(17) Suspended sale means any first marketing of farm tobacco at a warehouse sale for which a memorandum of sale is not issued by the end of the sale day on which such marketing occurred.

(18) Tobacco means Burley tobacco classified in Service and Regulatory Announcement No. 118 of the Bureau of Agricultural Economics of the United States Department of Agriculture as type 31. Any tobacco that has the same characteristics and corresponding qualities, colors and lengths as Burley tobacco shall be considered Burley regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco.

(19) Tobacco available for marketing means all tobacco produced on the farm in the calendar year 1943 and all tobacco produced on the farm prior to the calendar year 1943 and carried over to the 1943-44 marketing year, which is not disposed of in accordance with Section 5 hereof, prior to the issuance of a marketing card for the farm.

(20) Tobacco subject to marketing quotas means any tobacco marketed during the period October 1, 1943, to September 30, 1944, inclusive, and any tobacco produced in the calendar year 1943 and marketed prior to October 1, 1943.

(21) Trucker means any person who engages in the business of trucking tobacco to market and selling it for producers regardless of whether the tobacco is acquired from producers by the trucker.

(22) Warehouseman means a person engaged in the business of holding sales of tobacco at public auction at a warehouse during the tobacco marketing season.

(23) Warehouse sale means a marketing by sale at public auction through a warehouse in the regular course of business.

Sec. 2. Instructions and forms. The Chief of the Agricultural Adjustment Agency shall cause to be prepared and issued such instructions and such forms as may be deemed necessary or expedient for carrying out these regulations.

FARM MARKETING QUOTAS

Sec. 3. Amount of farm marketing quota. The marketing quota for a farm shall be the actual production of tobacco on the farm acreage allotment, as established for the farm in accordance with Part I of the "Marketing Quota Regulations - Burley Tobacco - 1943-44 Marketing Year" (Tobacco 703 Part I). The actual production of the farm acreage allotment shall be the average yield per acre of the entire acreage of tobacco harvested on the farm in 1943 times the farm acreage allotment. The excess tobacco on any farm shall be that quantity of tobacco which is equal to the average yield per acre of the entire acreage of tobacco harvested on the farm in 1943 times the number of acres harvested in excess of the farm acreage allotment.

Sec. 4. No transfers. There shall be no transfer of marketing quotas (except as provided in Part I of these regulations).

Sec. 5. Disposition of excess tobacco. The farm operator may elect to give satisfactory proof of disposition of excess tobacco prior to the marketing of any tobacco from the farm by any of the following methods:

- a. By a declaration of intention to market all tobacco available for marketing and the payment at the office of the county committee by check or money order drawn payable to the Treasurer of the United States in an amount equal to the penalty which would be due upon the marketing of the tobacco available for marketing. Any additional amount of penalty determined to be due after all marketings of tobacco from the farm have been made shall be paid by the operator not later than 20 days after receipt of notice of such additional penalty. Any amount collected in excess of the penalty due shall be refunded upon request of the producer.

- b. By storage of the excess tobacco, the tobacco so stored to be representative of the entire 1943 crop produced on the farm, and posting of a bond approved by the county committee and the Chairman of the State committee in the penal sum of twice the amount of penalty which will become due upon the marketing of excess tobacco.
- c. By furnishing to the county committee satisfactory proof that the farm operator is unable to market the excess tobacco.

Sec. 6. Issuance of marketing cards. A marketing card shall be issued for every farm having tobacco available for marketing. Two or more marketing cards may be issued for any farm as approved by the county committee. All entries on each marketing card shall be made in accordance with the instructions for issuing marketing cards and the operator's agreement on each marketing card shall be signed by the farm operator or on his behalf by his authorized representative. Upon the return to the office of the county committee of the marketing card after all the memoranda of sale have been issued therefrom and before the marketing of tobacco from the farm has been completed, a new marketing card of the same kind, bearing the same name, information and identification as the used card shall be issued for the farm. Any marketing card issued to replace another card shall have entered thereon the total sales as shown on the marketing card which is replaced.

- a. Within Quota Marketing Card (MQ-756 Burley). A Within Quota Marketing Card (MQ-756 Burley) authorizing the marketing without penalty of the actual production of tobacco on the farm in the 1943 calendar year and any tobacco carried over from a prior marketing year shall be issued for a farm under the following conditions:

- (1) If the harvested acreage of tobacco in 1943 is not in excess of the farm acreage allotment; if any excess tobacco carried over from any previous marketing year can be marketed without penalty under the provisions of Section 6 (c) hereof; if the operator of the farm does not operate another farm on which the harvested acreage of tobacco exceeds the farm acreage allotment; and if the county committee does not determine that a zero percent excess marketing card is necessary to protect the interest of the Government and insure the proper identification and accounting for tobacco produced on the farm and the proper use of the marketing card issued for the farm, or
- (2) If excess tobacco produced on the farm is disposed of in accordance with Section 5 hereof, or

- (3) If a farm is operated by a publicly-owned experiment station and produces tobacco for experimental purposes only, or
 - (4) If the county committee determines that by reason of flood, any crop on the farm has been destroyed or planting interfered with in 1943.
- b. Excess Marketing Card (MQ-757 Burley). An Excess Marketing Card (MQ-757 Burley) showing the extent to which marketings of tobacco from a farm are subject to penalty shall be issued for a farm unless a within quota card is required to be issued for the farm under paragraph a of this section.
 - c. Extent to which marketings from a farm are subject to penalty. The extent to which marketings of tobacco from any farm having no carry-over tobacco are subject to penalty shall be that percentage of the tobacco available for marketing from the farm which the acreage of tobacco harvested in excess of the farm acreage allotment for the farm and not disposed of as provided in Section 5 of these regulations is of the acreage of tobacco harvested from the farm.

The extent to which marketings of tobacco from any farm having tobacco available for marketing which has been carried over from a prior marketing year are subject to penalty shall be the percentage determined as follows:

1. Determine the number of "carry-over acres" by dividing the number of pounds of tobacco carried over from the prior year by the normal yield for the farm for that year.
2. Determine the number of "within quota carry-over acres" by multiplying the "carry-over acres" (1 above) by the "percent within quota" (i.e., 100 percent minus the percent excess) for the year in which the carry-over tobacco was produced.
3. Determine the "total acres" of tobacco by adding the "carry-over acres" (1 above) and the acreage of tobacco harvested in the current year.
4. Determine the excess acreage by subtracting from the "total acres" (3 above) the sum of the 1943 allotment and the "within quota carry-over acres" (2 above).
5. Determine the percent excess to be shown on the marketing card by dividing the "total acres" into the excess acreage (4 above).

The burden of any penalty with respect to carry-over tobacco shall be borne by those persons having an interest in such tobacco.

Sec. 7. Person authorized to issue cards. The county committee shall designate one person to sign marketing cards for farms in the county as issuing officer. The issuing officer may, subject to the approval of the county committee, designate not more than three persons to sign his name in issuing marketing cards; provided that each such person shall place his initials immediately beneath the name of the issuing officer as written by him on the card.

Sec. 8. Rights of producers in marketing cards. Each producer having a share in the tobacco available for marketing from the farm shall be entitled to the use of the marketing card for marketing his proportionate share of the total amount of tobacco available for marketing from the farm.

Sec. 9. Successors in interest. Any person who succeeds in whole or in part to the share of a producer in the tobacco available for marketing from the farm shall, to the extent of such succession, have the same rights as the producer to the use of the marketing card for the farm.

Sec. 10. Invalid cards. A marketing card shall be invalid under any of the following conditions:

- a. If it is not issued or delivered in the form and manner prescribed;
- b. If entries are not made thereon as required;
- c. If it is lost, destroyed, stolen, or becomes illegible;
- d. If any erasure or alteration has been made, and not properly initialed.

In the event any marketing card becomes invalid (other than by loss, destruction, theft or omission, alteration and incorrect entry which can be corrected by a field assistant) the farm operator (or the person having the card in his possession) shall return it to the office of the county committee at which it was issued.

If any entry is not made on a marketing card as required (either through omission or incorrect entry) and the proper entry is made by a field assistant then such card shall become valid.

Sec. 11. Report of misuse of marketing card. Any information which causes any field assistant, a member of any State, county or community committee, or any employee of any State or county committee to believe that any tobacco which actually was

produced on one farm has been or is being marketed under the marketing card issued for another farm shall be reported immediately by such person to the Chairman of the State Committee.

MARKETING OF TOBACCO AND PENALTIES

Sec. 12. Memorandum of sale to identify every marketing. Each marketing of tobacco from a farm shall be identified by a memorandum of sale issued from the marketing card (MQ-756 Burley or MQ-757 Burley) for the farm but if a memorandum of sale cannot be obtained within four weeks after the date of the marketing of any tobacco at a warehouse sale, such marketing of tobacco shall be subject to penalty and the amount of penalty shall be shown on the Sale Cleared Without Marketing Card (Tobacco 718). The memorandum of sale shall be issued only by a field assistant, except that, a warehouseman, or his authorized representative, who has been designated on an Authorization to Issue Memoranda of Sale (Tobacco 713) may issue a memorandum of sale to identify a warehouse sale, if a field assistant is not available at the warehouse when the card is presented by the farmer. Each memorandum of sale issued by a warehouseman shall be presented promptly by him to the field assistant for verification with the warehouse records.

The authorization to any warehouseman or his authorized representative to issue memoranda of sale may be withdrawn upon written notice by the Chairman of the State Committee.

Each excess memorandum of sale issued by a field assistant shall be checked by the warehouseman or dealer (or his representative) to determine whether the amount of penalty shown to be due has been correctly computed and such warehouseman or dealer shall not be relieved of any liability with respect to the amount of penalty due because of any error which may occur on the memorandum of sale.

Sec. 13. Bill of nonwarehouse sale. Each first marketing of farm tobacco, except a warehouse sale, shall be identified by a bill of nonwarehouse sale (reverse side of the memorandum of sale) completely executed by the buyer and the farm operator.

Each bill of nonwarehouse sale shall be presented to a field assistant for issuance of a memorandum of sale and for recording in the Dealer's Record (Tobacco 715) in case of a purchase by a dealer other than a warehouseman.

Sec. 14. Marketings free of penalty. Any tobacco marketed from a farm which is identified by a valid memorandum of sale from the marketing card issued for the farm shall be free of penalty to the extent shown by the memorandum of sale.

Sec. 15. Marketings subject to penalty and collection of penalties.

- a. Farm tobacco. With respect to tobacco marketed from farms having excess tobacco available for marketing, the penalty shall be paid upon that proportion of each lot of tobacco which the tobacco available for marketing in excess of the farm quota (at the time of issuance of the marketing card) is of the total amount of tobacco available for marketing from the farm. The memorandum of sale issued to identify such marketing of tobacco shall show that portion of such marketing which is subject to penalty, and any portion of each marketing of tobacco which is not shown by the memorandum as being subject to penalty shall be free of penalty.
- b. Dealer's tobacco. Any marketing of tobacco by a dealer which such dealer represents to be a resale, but all or any part of which, when added to prior resales by such dealer is in excess of the total amount of purchases as shown on such dealer's records shall be a marketing of tobacco subject to penalty unless and until the dealer furnishes proof acceptable to the Administrator showing that such tobacco is not subject to penalty. Any marketing of tobacco by a dealer which such dealer represents to be a resale of tobacco previously purchased by him but which, because of the difference in the price at which such tobacco is resold as compared with the price at which he had purchased the tobacco, cannot reasonably be regarded as tobacco previously purchased by him shall be taken to be a marketing of tobacco subject to penalty.
- c. Tobacco not identified by a valid memorandum. Any tobacco marketed from a farm which is not identified by a valid memorandum of sale shall be subject to penalty.

Sec. 16. Persons to pay penalty. The person to pay the penalty due on any marketing of excess tobacco shall be one of the following as applicable:

- a. Warehouseman. If the tobacco is marketed by the producer through a warehouseman the penalty shall be paid by the warehouseman, who may deduct an amount equivalent to the penalty from the price paid to the producer.
- b. Dealer. If the tobacco is acquired from the producer by a dealer, the penalty shall be paid by the dealer who may deduct an amount equivalent to the penalty from the price paid to the producer.
- c. Agent. If the tobacco is marketed by the producer through an agent who is not a warehouseman, the penalty shall be paid by the agent, who may deduct an amount equivalent to the penalty from the price paid to the producer.

- d. Warehouseman and dealer on dealer's tobacco. Any penalty due upon tobacco subject to penalty under paragraph (b) of Section 15 shall be paid by the warehouseman, who may deduct an amount equivalent to the penalty from the price paid to the dealer, but the dealer shall not be relieved of responsibility for payment of such penalty.
- e. Producer marketing outside United States. If the tobacco is marketed by the producer directly to any person outside the United States, the penalty shall be paid by the producer.

Sec. 17. Rate of penalty. The penalty shall be ten cents per pound upon the marketing of any tobacco in excess of the marketing quota for the farm on which the tobacco is produced and on the marketing of any other tobacco not identified under these regulations as being free of penalty.

Sec. 18. Payment of penalty. Penalties upon the marketing of tobacco shall become due at the time of the marketing and shall be paid by remitting the amount thereof to the office of the State Committee not later than the end of the calendar week following the week in which the memorandum of sale was issued, or, in the event a memorandum is not issued, not later than four weeks after the date upon which the tobacco was sold. A draft, money order, or check drawn payable to the Treasurer of the United States should be used to pay any penalty, but any such draft, or check shall be received subject to payment at par.

Sec. 19. Penalty for false identification or failure to account for disposition of tobacco. If any producer falsely identifies or fails to account for the disposition of any tobacco, an amount of tobacco equal to the normal yield of the number of acres harvested in 1943 in excess of the farm acreage allotment shall be deemed to have been marketed in excess of the marketing quota for the farm and the penalty in respect thereof shall be paid and remitted by the producer.

Sec. 20. Request for return of penalty. Any producer of tobacco and any other person who bore the burden of the payment of any penalty collected may request the return of the amount of such penalty which is in excess of that amount equal to ten cents per pound upon the number of pounds of excess tobacco marketed.

Any request for the return of penalty filed by any producer of tobacco on a farm on which the tobacco available for marketing is in excess of the farm marketing quota shall not be approved unless (1) the marketing of tobacco from the farm has been completed and (2) satisfactory proof is furnished to the county committee that all unmarketed excess tobacco is unmerchantable.

Return of penalty collected with marketing of tobacco from any farm having excess tobacco shall be made only upon the basis of tobacco produced on the farm and, if the county committee determines that any of the unmarketed excess tobacco as reported for the farm by the farm operator was not actually produced thereon, the application for such farm shall not be approved with respect to that tobacco which the committee determines was not produced on the farm."

INDEXES AND REFERENCES

Sec. 21. Producer's records and reports.

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Administrator a report of the following information with respect to each sale or resale of tobacco made at his warehouse:

- (1) The name of the seller (and, in the case of a sale for a producer, the name of the operator of the farm on which the tobacco was produced).
- (2) The name of the purchaser.
- (3) The date of sale.
- (4) The number of pounds sold.
- (5) The gross sale price.
- (6) The amount of any penalty and the amount of any deduction on account of penalty from the price paid the producer (or a dealer).

All purchases and resales for the warehouse leaf account shall be so identified in the records and a separate account shall be maintained with respect to the amount of floor sweepings picked up and the disposition of such floor sweepings. The quantity of floor sweepings, including bundles, leaves and scrap, picked up by the warehouse after each sale shall be reported in the space provided on the Auction Warehouse Report (Tobacco 716). In the case of resales for dealers, the name of the dealer making each resale shall be shown on the warehouse records so that the individual lots of tobacco sold by the dealer can be identified.

- b. Identification of sale on check register. The serial number of the memorandum of sale issued to identify each marketing of tobacco from the farm or the number of the warehouse bill(s) covering each such marketing shall be recorded on the check register or check stub for the check written with respect to such sale of tobacco.
- c. Memorandum of sale and bill of nonwarehouse sale. A record in the form of a valid memorandum of sale (or a sale cleared without marketing card) shall be obtained by every warehouseman to cover each marketing of tobacco from a farm through the warehouse, and if a warehouseman buys tobacco directly from a farmer (other than at a warehouse auction sale as defined in these regulations) such warehouseman shall obtain a valid memorandum of sale to cover each such purchase of tobacco, together with properly executed bill of nonwarehouse sale.

Suspended sale record. Any warehouse bills covering farm tobacco for which memoranda of sale have not been issued at the end of the sale day shall be presented to a field assistant who shall stamp such bills "Suspended" write thereon the serial number of the suspended sale, and record the bills on the Field Assistant's Report (Tobacco 719) provided that if a field assistant is not available, the warehouseman may stamp such bills "Suspended" and deliver them to a field assistant as soon as one is available.

- e. Warehouse entries on dealers' records. Each warehouseman shall enter on each form Tobacco 715 the total of purchases and resales made by such dealer during each sale day at the warehouse. If any tobacco resold by the dealer is tobacco bought by him from a crop produced prior to 1943 the entry on the dealer's record shall clearly show such fact.
- f. Daily report of warehouse business and report of penalties. Each warehouseman shall make reports on form Tobacco 716 and on the Report of Penalties (Tobacco 717) showing the information required on the respective reports. Form tobacco 716 shall be prepared for each sale day and all reports for the sale days occurring during any week shall be forwarded to the office of the State Committee not later than the end of the next following calendar week. Form Tobacco 717 shall be prepared for each week and the report for each week shall be forwarded, together with remittances of the penalties due, as shown thereon, to the office of the State Committee not later than the end of the next following calendar week.
- g. Additional records and reports. In addition to the records and reports provided above, each warehouseman shall keep such additional records and make such additional reports to the Administrator as the Chairman of the State Committee may find necessary in order to enforce these regulations.

Sec. 23. Dealer's records and reports. Each dealer except as provided in Section 24 below, shall keep the records and make the reports as provided by this section.

- a. Report of dealer's name, address and registration number. Each dealer shall properly execute and the field assistant shall detach and forward to the office of the State Committee the page "Receipt for Dealer's Record" contained in form Tobacco 715 which is issued to the dealer.

- b. Record and report of purchases and resales. Each dealer shall keep a record and make reports on form Tobacco 715 showing all purchases and resales of tobacco made by the dealer and, in the event of resale of tobacco bought from a crop produced prior to 1943, the fact that such tobacco was bought by him and carried over from a crop produced prior to 1943.
- c. Report of penalties. Each dealer shall make a report on form Tobacco 717 showing the information with respect to all purchases subject to penalty made by him during each calendar week. The penalties listed on each such report shall be remitted with the report.
- d. Memorandum of sale and bill of nonwarehouse sale. For each lot of tobacco purchased from a farmer each dealer shall obtain a record in the form of a valid memorandum of sale issued by a field assistant. No memorandum of sale shall be issued unless the bill of nonwarehouse sale, on the reverse side of the memorandum of sale has been executed.
- e. Additional records. Each dealer shall keep such records, in addition to the foregoing, as may be necessary to enable him to furnish the following information with respect to each lot of tobacco purchased or sold by him:
 - (1) The name of the seller (and in the case of a purchase from a producer, the name of the operator of the farm on which the tobacco was produced).
 - (2) The name of the purchaser.
 - (3) The date of the transaction.
 - (4) The number of pounds purchased or sold.
 - (5) The gross purchase or sale price.
 - (6) In the event of resale of tobacco bought by him and carried over from a crop produced prior to 1943, the fact that such tobacco was so bought and carried over.

All reports shall be forwarded to the office of the State Committee not later than the end of the week following the calendar week covered by the reports.

Sec. 24. Dealers exempt from regular records and reports. Any dealer who does not purchase or otherwise acquire tobacco except at a warehouse sale and who does not resell, in the form in which tobacco ordinarily is sold by farmers, more than ten

percent of the tobacco purchased by him, shall not be subject to the provisions of Section 23 of these regulations; but each such dealer shall make such reports to the Administrator as the Chairman of the State Committee may find necessary to enforce these regulations.

Sec. 25. Records and reports of truckers, redryers, etc.
Every person engaged in the business of trucking tobacco for producers shall keep such records as will enable him to furnish the Administrator a report with respect to each lot of tobacco received by him showing the name and address of the farm operator, the date of the receipt of the tobacco, the number of pounds received, and the place to which it was delivered. Every person engaged in the business of redrying, prizing, or stemming tobacco for producers shall keep such records as will enable him to furnish the Administrator a report showing the information provided above for truckers and in addition the purpose for which the tobacco was received, the amount of advance made by him on the tobacco, and the disposition of the tobacco. Each such person shall make such reports to the Administrator as the Chairman of the State Committee may find necessary to enforce these regulations.

Sec. 26. Separate records and reports from persons engaged in more than one business. Any person who is required to keep any record or make any report as a warehouseman, dealer, processor, or as a person engaged in the business of redrying, prizing, or stemming tobacco for producers, and who is engaged in more than one such business, shall keep such records as will enable him to make separate reports for each such business in which he is engaged, to the same extent for each such business as if he were engaged in no other business, except that a warehouseman shall not be required to keep a record and make reports on form Tobacco 715, if the transactions which would be recorded and reported on such forms are recorded on the records kept by the warehouse in its regular course of business and reported as required on form Tobacco 716.

Sec. 27. Failure to keep records or make reports. Any warehouseman, dealer, processor, or common carrier of tobacco, or person engaged in the business of redrying, prizing or stemming tobacco for producers, who fails to make any report or keep any record as required under these regulations, or who makes any false report or record, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than \$500; and any tobacco warehouseman or dealer who fails to remedy such violation by making a complete and accurate report or keeping a complete and accurate record as required under these regulations within fifteen days after notice to him of such violation shall be subject to an additional fine of \$100 for each ten thousand pounds of tobacco, or fraction

thereof, bought or sold by him after the date of such violation; Provided, that such fine shall not exceed \$5,000; and notice of such violation shall be served upon the tobacco warehouseman or dealer by mailing the same to him by registered mail or by posting the same at an established place of business operated by him, or both. Notice of any violation by a tobacco warehouseman or dealer shall be given by the Chairman of the State Committee.

Sec. 28. Examination of records and reports. For the purpose of ascertaining the correctness of any report made or record kept, or of obtaining information required to be furnished in any report, but not so furnished, any warehouseman, dealer, processor, common carrier or person engaged in the business of redrying, prizing or stemming tobacco for producers shall make available for examination, upon written request by the Chairman of the State Committee such books, papers, records, accounts, correspondence, contracts, documents, and memoranda as he has reason to believe are relevant and are within the control of such person.

Sec. 29. Length of time records and reports to be kept. Records required to be kept and copies of the reports required to be made by any person under these regulations for the 1943-44 marketing year shall be kept by him until September 30, 1945, and for such longer period of time as may be requested in writing by the Chairman of the State Committee.

Sec. 30. Information confidential. All data reported to or acquired by the Administrator pursuant to the provisions of these regulations shall be kept confidential by all officers and employees of the War Food Administration and only such data so reported or acquired as the Administrator deems relevant shall be disclosed by them and then only in a suit or administrative hearing under Title III of the Act.

Sec. 31. Approval of the Bureau of the Budget.

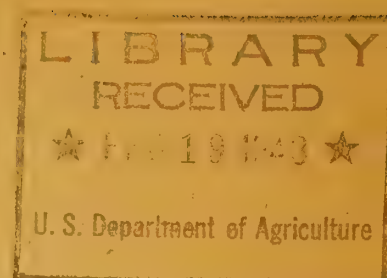
- a. Additional record keeping or reporting requirements which may be required in accordance with these regulations are subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.
- b. The record keeping and reporting requirements of these regulations have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D. C.
this 6th day of October, 1943.

/s/ Grover B. Hill
Acting War Food Administrator

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL ADJUSTMENT AGENCY

MARKETING QUOTA REGULATIONS
FIRE-CURED TOBACCO, 1943-44 MARKETING YEAR



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Acreage Allotments and Normal Yields
for 1943

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BY VIRTUE OF THE AUTHORITY vested in the Secretary of Agriculture by Title III of the Agricultural Adjustment Act of 1938, as amended, he does hereby make, prescribe, publish and give public notice of the foregoing Part I of the Marketing Quota Regulations for Fire-cured tobacco for the 1943-44 Marketing Year, consisting of procedure for determination of farm acreage allotments and normal yields to be in force and effect for said marketing year, until amended or superseded by regulations hereafter made by the Secretary of Agriculture under said Act.

AUTHORITY: Sections 1 to 14, inclusive, are issued under authority contained in Section 313 of the Agricultural Adjustment Act of 1938, as amended, 52 Stat. 47, 202, 586; 53 Stat. 1261; 54 Stat. 392, 1209; 56 Stat. 51; 7 U. S. C. 1940 ed. 1313; 52 Stat. 66; 7 U. S. C. 1940 ed. 1375.

GENERAL

Section 1. Definitions. As used in this procedure and in all instructions, forms and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them, unless the context or subject-matter otherwise requires.

(a) Fire-cured Allotment Procedure for 1943 means this Tobacco 703 (Fire-cured)

(b) County committee means the group of persons elected within any county to assist in the administration of the Agricultural Conservation Programs in such county.

(c) New farm means a farm on which fire-cured tobacco was not produced in any of the five years 1938 to 1942, but on which fire-cured tobacco will be produced in 1943.

(d) Old farm means a farm on which fire-cured tobacco was produced in one or more of the five years 1938 to 1942, and on which fire-cured tobacco will be produced in 1943.

(e) Operator means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(f) Person means an individual, partnership, association, corporation, estate or trust, or other business enterprise or other legal entity and wherever applicable, a State, a political subdivision of a State or any agency thereof.

(g) State committee means the group of persons designated within any State to assist in the administration of the Agricultural Conservation Programs in such State.

(h) Tobacco means fire-cured tobacco as classified in Service and Regulatory Announcement No. 118 of the Bureau of Agricultural Economics of the United States Department of Agriculture as types 21, 22, 23 and 24.

Sec. 2. Extent of calculations and rule of fractions.

(a) All percentages shall be calculated to the nearest whole percent. Fractions of more than fifty-hundredths of one percent shall be rounded upward, and fractions of fifty-hundredths of one percent or less shall be dropped. For example, 87.51 percent would become 88 percent and 87.50 percent would become 87 percent.

(b) All acreages except the preliminary farm acreage allotment and the final farm acreage allotment for 1943 shall be calculated to the nearest one-hundredth of an acre. The preliminary and final 1943 farm acreage allotment shall be

calculated to the nearest one-tenth of an acre and fractions of fifty-one thousandths of an acre or more shall be rounded upward and fractions of fifty-thousandths of an acre or less shall be dropped. For example, 1.051 would become 1.1 and 1.050 would become 1.0

Sec. 3. Instructions and forms. The Chief of the Agricultural Adjustment Agency of the United States Department of Agriculture shall cause to be prepared and issued such instructions and such forms as may be deemed necessary or expedient for carrying out this procedure.

Sec. 4. Applicability of procedure. This allotment procedure for 1943 shall govern the establishment of farm acreage allotments and normal yields for fire-cured tobacco for use in connection with the 1943 Agricultural Conservation Program and in connection with farm marketing quotas for fire-cured tobacco for the marketing year beginning October 1, 1943.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

Sec. 5. Determination of acreage allotments for old farms. The 1943 fire-cured tobacco acreage allotment for an old farm shall be the preliminary 1943 fire-cured tobacco acreage allotment as determined in accordance with Section 6 and adjusted in accordance with Section 7. The 1943 fire-cured tobacco acreage allotment thus determined for an old farm shall be subject to the adjustment provisions of Sections 8 and 9.

Sec. 6. Determination of preliminary 1943 acreage allotments for old farms. The preliminary 1943 fire-cured tobacco acreage allotment for an old farm shall be that percent of the 1943 normal acreage for the farm which the 1943 State acreage allotment is of the 1943 normal acreage of fire-cured tobacco for all old farms in the State; provided, that if the preliminary acreage allotment so determined for any farm (except a farm operated, controlled, or directed by a person who also operates, controls or directs another farm on which fire-cured tobacco is produced) is less than that acreage which with the normal yield would produce 2,400 pounds of tobacco, such preliminary acreage allotment shall be increased to the smaller of (1) 120 percent thereof, or (2) that acreage, which when multiplied by the normal yield would produce 2,400 pounds of tobacco.

This method of determining preliminary 1943 fire-cured tobacco acreage allotments will result in a preliminary 1943 acreage allotment equal to the 1942 acreage allotment for a farm except for those farms for which the normal acreage is adjusted under subsection (b) of this section; therefore, for all other farms, the committee may establish the preliminary 1943 allotment at the same acreage as the 1942 acreage allotment plus any acreage by which the 1942 allotment was reduced because of violation of the 1941-42 Marketing Quota Regulations; provided,

however, no acreage allotted to such farm in 1942 from the State pools, except the acreage allotted to a farm the owner of which was dispossessed of another farm by the acquisition thereof by a Federal agency for national defense purposes, shall be used in determining the 1943 preliminary acreage allotment. This provision shall not be construed to prohibit determining any allotments for 1943 under the provisions of subsection (a) of Section 8.

- (a) Determination of 1943 normal acreage. The 1943 normal acreage for an old farm shall be determined by applying the applicable diversion factor to the 1942 acreage allotment plus any acreage by which the 1942 allotment was reduced because of violation of the 1941-42 Marketing Quota Regulations; provided, however, no acreage allotted to the farm in 1942 from the State pools, except the acreage allotted to a farm, the owner of which was dispossessed of another farm by the acquisition thereof by a Federal agency for national defense purposes, shall be used in determining the 1943 normal acreage.

<u>1940 Acreage Allotment</u>	<u>1942 Acreage Allotment</u>	<u>Diversion Factor</u>
3.5 acres or less	2.6 acres or less	194% of allotment
3.6 acres	2.7 acres	196% " "
3.7 acres	2.8 acres	211% " "
3.8 acres	2.8 acres	225% " "
3.9 acres	2.9 acres or more	233% " "

- (b) Adjustment of 1943 normal acreage. The 1943 normal acreage for an old farm, determined as provided above, shall be adjusted so as to take into account any changes for 1943 in respect to the past acreage of fire-cured tobacco (harvested and diverted acreage in the five years 1938-42 as compared with the five years 1937-41) making due allowance for the effect of drought, flood, hail, other abnormal weather conditions, planted and other diseases; land, labor and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco; provided, that in determining the 1942 harvested and diverted acreage of fire-cured tobacco, any amount by which the 1942 harvested acreage is less than the 1942 farm acreage allotment shall be considered as diverted acreage.

Sec. 7. Adjustment of preliminary 1943 acreage allotment. An acreage not in excess of one-half of one percent of the State acreage allotment for fire-cured tobacco shall be apportioned to each county in the State on the basis of the percentage the total

1942 fire-cured tobacco acreage allotment in each county is of the State acreage allotment for fire-cured tobacco, unless otherwise recommended by the State committee and approved by the Regional Director. Such acreage shall be used by the county committees as hereinafter provided in this section, if the committees find that such action will establish allotments which are fair and equitable taking into consideration the past acreage of fire-cured tobacco grown on the farm; land, labor and equipment available for the production of fire-cured tobacco; crop rotation practices; and the adaptability of the soil to the growing of fire-cured tobacco. The acreage available in each county may be used for establishing the 1943 fire-cured tobacco acreage allotments and for adjustment upward preliminary 1943 fire-cured tobacco acreage allotments in the following order and under the following conditions:

- (a) The acreage by which 1943 preliminary allotments established under the provisions of Section 6 hereof exceeds the 1942 acreage allotments for such farms shall be deducted from the acreage apportioned to the county as provided above.
- (b) A preliminary 1943 fire-cured tobacco acreage allotment may be established for a farm which grew fire-cured tobacco in 1942 for which no fire-cured tobacco acreage allotment was established in such year. Any such allotment shall not exceed the larger of five-tenths of one acre or 10 percent of the 1942 harvested acreage of fire-cured tobacco.
- (c) The preliminary 1943 fire-cured tobacco acreage allotment for any farm may be adjusted upward. Such adjustment shall not exceed the larger of 10 percent of the 1943 preliminary acreage allotment or one-half acre.

Any allotment established or adjusted as provided above shall be subject to the approval of the State committee.

Sec. 8. Reallocation of allotments released from farms removed from agricultural production.

- (a) Except as provided in subsection (b) of this section, the fire-cured tobacco allotment determined or which would have been determined for any land which is removed from agricultural production because of acquisition by a State or Federal agency for any purpose or by a person for use in connection with the national defense program shall be available to State committees for use in providing equitable allotments for farms on which tobacco was grown in one or more of the three years, 1940 through 1942 and which are operated in 1943 by persons who were producers of tobacco on land so removed from agricultural production. Insofar

as possible, the allotments for farms operated by such persons shall be comparable to the allotments for other old farms in the same community which are similar with respect to land, labor and equipment available for the production of tobacco; crop rotation practices; soil and other physical factors affecting the production of tobacco, taking into consideration the allotment for the land removed from agricultural production. The allotment so determined shall be subject to the approval of the State committee and shall not exceed the larger of (1) the 1943 allotment previously determined for such land, or (2) the allotment which was or would have been determined for the land removed from agricultural production; provided, that in no event shall the allotment so determined exceed the larger of 20 percent of the acreage of cropland in the farm, or three acres.

- (b) The allotment determined or which would have been determined for any land acquired on or since January 1, 1940 by any Federal agency for national defense purposes shall be placed in a State pool and shall be used in determining equitable allotments for farms owned or purchased by owners displaced because of acquisition of their farm by a Federal agency for national defense purposes. Upon application to the county committee, any owner so displaced shall be entitled to have an allotment for any one of the other farms owned or purchased by him equal to an allotment which would have been determined for such other farm, plus the allotment which would have been determined for the farm acquired by the Federal agency; provided, that such allotment shall not exceed 20 percent of the acreage of cropland in the farm. The provision of this subsection shall not be applicable if (1) there is any marketing quota penalty due with respect to the marketing of tobacco from the farm or by the owner of the farm at the time of its acquisition by the Federal agency, (2) any tobacco produced on such farm has not been accounted for as required by the Secretary, or (3) if the allotment next to be established for the farm acquired by the Federal agency would have been reduced because of false or improper identification of tobacco produced on or marketed from such farm.

Sec. 9. Reduction of acreage allotment for violation of the 1942-43 Marketing Quota Regulations. If tobacco was sold or was permitted to be sold on a marketing card for any farm which was produced on a different farm the acreage allotment established for each such farm for 1943 shall be reduced by the amount of tobacco so marketed; provided, that such reduction shall not be made if the Secretary, through the county committee, determines that no person connected with such farm during the 1942-43 marketing year caused, aided, or acquiesced in such

marketing. If proof of the disposition of any amount of tobacco produced on a farm is not furnished, as required by the Secretary, the acreage allotment shall be reduced by such amount of tobacco.

The amount of tobacco involved will be converted to an acreage basis by dividing such amount of tobacco by the actual yield for the farm during the year in which such tobacco was produced.

Sec. 10. Farms subdivided or combined by reconstitution.

- (a) If land operated as a single farm in 1942 or any previous year has subsequently been subdivided and will be operated in 1943 as two or more farms, the 1943 fire-cured tobacco acreage allotment determined or which otherwise would have been determined for the entire farm shall be apportioned among the tracts in the same proportion as the acreage of cropland suitable for the production of fire-cured tobacco on each such tract in such year bore to the total number of acres of cropland suitable for the production of fire-cured tobacco on the entire farm in such year unless otherwise recommended by the county committee and approved by the State committee.
- (b) If two or more farms operated separately in 1942 or any previous year have subsequently been combined and will be operated in 1943 as a single farm, the 1943 fire-cured tobacco allotment shall be the sum of the 1943 fire-cured tobacco allotments determined or which otherwise would have been determined for each of the farms composing the combination.

Sec. 11. Determination of normal yields. The normal yield for any farm shall be the average of the yields obtained on the farm during the years 1937-41, adjusted by the county committee so as to more accurately reflect the normal yield on the farm represented by the soil and other physical factors affecting the production of fire-cured tobacco, by taking into consideration yields obtained on other farms in the locality which are similar with respect to such factors. The weighted average of the normal yields for all farms in each county shall not exceed the yield established for the county in 1942 unless an adjustment for abnormal conditions is made by the Secretary upon recommendation of the State committee.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

Sec. 12. Determination of acreage allotments for new farms. The fire-cured tobacco acreage allotment other than an allotment made under subsection (b) of Section 8 for a new farm shall be that acreage which the county committee determines

is fair and reasonable for the farm taking into consideration each of the following factors:

- (a) The past fire-cured tobacco experience of the farm operator;
- (b) The acreage of cropland in the farm suitable for fire-cured tobacco production;
- (c) The acreage capacity of barns which are located on the farm and which are in usable condition and available for the curing of fire-cured tobacco;
- (d) The customary crop rotation practices;
- (e) Adaptability of the soil to the growing of fire-cured tobacco.

Provided, that the acreage allotment so determined shall be subject to approval by the State committee and shall not exceed the smallest of (1) one fifth of the total acreage of fire-cured tobacco grown by the farm operator during the five years 1938 through 1942, (2) 75 percent of the average fire-cured tobacco acreage allotment for old farms in the county, or (2) one acre.

Notwithstanding any other provisions of this section, a fire-cured tobacco acreage allotment shall not be established for any new farm unless the following conditions have been met:

- (a) The farm operator shall have had two years or more experience in growing fire-cured tobacco as a sharecropper, tenant, or as a farm operator during the past five years;
- (b) The farm operator shall be living on the farm and largely dependent on this farm for his livelihood;
- (c) The farm covered by the application shall be the only farm owned or operated by the farm operator on which any tobacco is produced.
- (d) There is a fire-cured tobacco curing barn in condition for use on the farm; and
- (e) No kind of tobacco other than fire-cured tobacco will be grown on such farm in 1943.

The fire-cured tobacco acreage allotments established as provided in this section shall be subject to such downward adjustment as is necessary to bring such allotments in line with the total acreage available for allotment to all new fire-cured tobacco farms.

The fire-cured tobacco acreage available for establishing allotments for new farms shall be one-tenth of one percent of the national allotment for fire-cured tobacco.

Sec. 13. Time for filing application. In order to obtain an allotment for a new fire-cured tobacco farm in 1943, the operator of the farm shall file an application for such allotment with the county committee prior to February 1, 1943.

Sec. 14. Determination of normal yields. The normal yield for a new farm shall be that yield per acre which the county committee determines is reasonable for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of fire-cured tobacco are similar.

(SEAL)

Done at Washington, D. C.
this 20th day of January, 1942.
Witness my hand and the seal of
the Department of Agriculture.

/s/ Claude R. Wickard
Secretary of Agriculture

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL ADJUSTMENT AGENCYMARKETING QUOTA REGULATIONS
FIRE-CURED TOBACCO, 1943-44 MARKETING YEAR

Pursuant to the authority vested in the Secretary of Agriculture, by Title III of the Agricultural Adjustment Act of 1938, as amended, public notice is hereby given of amendment to Tobacco 703 (Fire-cured) Marketing Quota Regulations, Fire-cured Tobacco, 1943-44 Marketing Year, Part I, Procedure for the Determination of Acreage Allotments and Normal Yields for 1943, which regulations shall be in force and effect until rescinded, suspended, amended, or superseded by regulations hereafter made by the Secretary of Agriculture under said Act.

AUTHORITY: 52 Stat. 47, 202, 586; 53 Stat. 1261; 54 Stat. 392, 1209; 56 Stat. 51; 7 U. S. C. 1940 ed. 1313; 52 Stat. 66; 7 U. S. C. 1940 ed. 1375 (a).

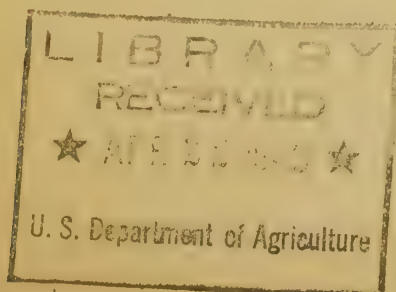
Section 7 of Tobacco 703 (Fire-cured) Part I, Marketing Quota Regulations, Fire-cured Tobacco, 1943-44 Marketing Year, issued January 20, 1943, is hereby amended to read as follows:

Section 7 Allotments by county committees. An amount not in excess of two percent of the 1940 acreage allotment for each State will be available for allotment by the respective county committees. A farm shall be eligible upon application for allotment as provided hereunder (1) if the committee finds that the 1942 allotment for the farm is relatively smaller in relation to the land, labor and equipment available for the production of tobacco on the farm than the average of the allotments in relation to such factors on other farms in the county, or (2) if tobacco was harvested on the farm in 1942 and no acreage allotment was established for the farm. In making the adjustment in the farm acreage allotment, the county committee shall consider the past acreage of tobacco (harvested and diverted), the land, labor and equipment available for the production of tobacco, and crop rotation practices. Particular consideration should be given to the land, labor and equipment available for the production of war crops as well as the proposed adjustment in tobacco acreage. In the case of any farm on which tobacco was harvested in 1942 for which no acreage allotment was established, the committee may establish an allotment not exceeding ten percent of the acreage of tobacco harvested on the farm in 1942. Without prior approval of the State committee, the acreage allotted under this section including the total acreage by which 1943 preliminary allotments established under the provisions of Section 6 hereof exceeds the 1942 acreage allotments for such farms which acreage shall be the first deduction from the acreage apportioned to the county shall not exceed one percent of the county acreage allotment for 1940.

All adjustments as provided above shall be subject to the approval of the State committee.

Done at Washington, D. C.
this 26th day of March 1943.
Witness my hand and the seal of
the Department of Agriculture.

/s/ Grover B. Hill
Acting Secretary of Agriculture



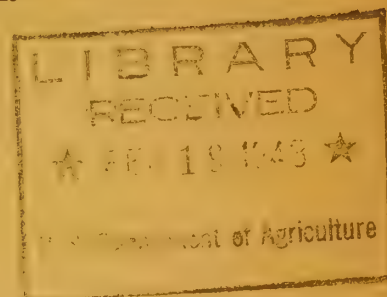
UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL ADJUSTMENT AGENCY

Reserve

MARKETING QUOTA REGULATIONS
DARK AIR-CURED TOBACCO, 1943-44 MARKETING YEAR

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BY VIRTUE OF THE AUTHORITY vested in the Secretary of Agriculture by Title III of the Agricultural Adjustment Act of 1938, as amended, he does hereby make, prescribe, publish and give public notice of the foregoing Part I of the Marketing Quota Regulations for Dark Air-cured Tobacco for the 1943-44 Marketing Year, consisting of procedure for determination of farm acreage allotments and normal yields to be in force and effect for said marketing year until amended or superseded by regulations hereafter made by the Secretary of Agriculture under said Act.

AUTHORITY: Sections 1 to 14, inclusive, are issued under authority contained in Section 313 of the Agricultural Adjustment Act of 1938, as amended, 52 Stat. 47, 202, 586; 53 Stat. 1261; 54 Stat. 392, 1209; 56 Stat. 51; 7 U. S. C. 1940 ed. 1313; 52 Stat. 66; 7 U. S. C. 1940 ed. 1375.

GENERAL

Section 1. Definitions. As used in this procedure and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them, unless the context or subject-matter otherwise requires.

(a) Dark Air-cured Allotment Procedure for 1943 means this Tobacco 703 (Dark Air-cured)

(b) County committee means the group of persons elected within any county to assist in the administration of the Agricultural Conservation Programs in such county.

(c) New farm means a farm on which dark air-cured tobacco was not produced in any of the five years 1938 to 1942, but on which dark air-cured tobacco will be produced in 1943.

(d) Old farm means a farm on which dark air-cured tobacco was produced in one or more of the five years 1938 to 1942, and on which dark air-cured tobacco will be produced in 1943.

(e) Operator means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(f) Person means an individual, partnership, association, corporation, estate or trust, or other business enterprise or other legal entity and wherever applicable, a State, a political subdivision of a State or any agency thereof.

(g) State committee means the group of persons designated within any State to assist in the administration of the Agricultural Conservation Programs in such State.

(h) Tobacco means dark air-cured tobacco as classified in Service and Regulatory Announcement No. 118 of the Bureau of Agricultural Economics of the United States Department of Agriculture as types 35 and 36.

Sec. 2. Extent of calculations and rule of fractions.

(a) All percentages shall be calculated to the nearest whole percent. Fractions of more than fifty-hundredths of one percent shall be rounded upward, and fractions of fifty-hundredths of one percent or less shall be dropped. For example, 87.51 percent would become 88 percent and 87.50 percent would become 87 percent.

(b) All acreages except the preliminary farm acreage allotment and the final farm acreage allotment for 1943 shall be calculated to the nearest one-hundredth of an acre. The

preliminary and final 1943 farm acreage allotment shall be calculated to the nearest one-tenth of an acre and fractions of fifty-one thousandths of an acre or more shall be rounded upward and fractions of fifty-thousandths of an acre or less shall be dropped. For example, 1.051 would become 1.1 and 1.050 would become 1.0

Sec. 3. Instructions and forms. The Chief of the Agricultural Adjustment Agency of the United States Department of Agriculture shall cause to be prepared and issued such instructions and such forms as may be deemed necessary or expedient for carrying out this procedure.

Sec. 4. Applicability of procedure. This allotment procedure for 1943 shall govern the establishment of farm acreage allotments and normal yields for dark air-cured tobacco for use in connection with the 1943 Agricultural Conservation Program and in connection with farm marketing quotas for dark air-cured tobacco for the marketing year beginning October 1, 1943.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

Sec. 5. Determination of acreage allotments for old farms. The 1943 dark air-cured tobacco acreage allotment for an old farm shall be the preliminary 1943 dark air-cured tobacco acreage allotment as determined in accordance with Section 6 and adjusted in accordance with Section 7. The 1943 dark air-cured tobacco acreage allotment thus determined for an old farm shall be subject to the adjustment provisions of Sections 8 and 9.

Sec. 6. Determination of preliminary 1943 acreage allotments for old farms. The preliminary 1943 dark air-cured tobacco acreage allotment for an old farm shall be that percent of the 1943 normal acreage for the farm which the 1943 State acreage allotment is of the 1943 normal acreage of dark air-cured tobacco for all old farms in the State; provided, that if the preliminary acreage allotment so determined for any farm (except a farm operated, controlled, or directed by a person who also operates, controls or directs another farm on which dark air-cured tobacco is produced) is less than that acreage which with the normal yield would produce 2,400 pounds of tobacco, such preliminary acreage allotment shall be increased to the smaller of (1) 120 percent thereof, or (2) that acreage, which when multiplied by the normal yield would produce 2,400 pounds of tobacco.

This method of determining preliminary 1943 dark air-cured tobacco acreage allotments will result in a preliminary 1943 acreage allotment equal to the 1942 acreage allotment for a farm except for those farms for which the normal acreage is adjusted under subsection (b) of this section; therefore, for all other farms, the committee may establish the preliminary 1943 allotment at the same acreage as the 1942 acreage allotment plus any acreage by which the 1942 allotment was reduced because of

violation of the 1941-42 Marketing Quota Regulations; provided, however, no acreage allotted to such farm in 1942 from the State pools, except the acreage allotted to a farm the owner of which was dispossessed of another farm by the acquisition thereof by a Federal agency for national defense purposes, shall be used in determining the 1943 preliminary acreage allotment. This provision shall not be construed to prohibit determining any allotments for 1943 under the provisions of subsection (a) of Section 8.

- (a) Determination of 1943 normal acreage. The 1943 normal acreage for an old farm shall be determined by applying the applicable diversion factor to the 1942 acreage allotment plus any acreage by which the 1942 allotment was reduced because of violation of the 1941-42 Marketing Quota Regulations; provided, however, no acreage allotted to the farm in 1942 from the State pools, except the acreage allotted to a farm, the owner of which was dispossessed of another farm by the acquisition thereof by a Federal agency for national defense purposes, shall be used in determining the 1943 normal acreage.

<u>1940 Acreage Allotment</u>	<u>1942 Acreage Allotment</u>	<u>Diversion Factor</u>
3.5 acres or less	2.6 acres or less	194% of allotment
3.6 acres	2.7 acres	196% " "
3.7 acres	2.8 acres	211% " "
3.8 acres	2.8 acres	225% " "
3.9 acres	2.9 acres or more	233% " "

- (b) Adjustment of 1943 normal acreage. The 1943 normal acreage for an old farm, determined as provided above, shall be adjusted so as to take into account any changes for 1943 in respect to the past acreage of dark air-cured tobacco (harvested and diverted acreage in the five years 1938-42 as compared with the five years 1937-41) making due allowance for the effect of drought, flood, hail, other abnormal weather conditions, plant-beds and other diseases; land, labor and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco; provided, that in determining the 1942 harvested and diverted acreage of dark air-cured tobacco, any amount by which the 1942 harvested acreage is less than the 1942 farm acreage allotment shall be considered as diverted acreage.

Sec. 7. Adjustment of preliminary 1943 acreage allotment.
An acreage not in excess of one-half of one percent of the State acreage allotment for dark air-cured tobacco shall be apportioned to each county in the State on the basis of the percentage the

total 1942 dark air-cured tobacco acreage allotment in each county is of the State acreage allotment for dark air-cured tobacco, unless otherwise recommended by the State committee and approved by the Regional Director. Such acreage shall be used by the county committees as hereinafter provided in this section, if the committees find that such action will establish allotments which are fair and equitable taking into consideration the past acreage of dark air-cured tobacco grown on the farm; land, labor and equipment available for the production of dark air-cured tobacco; crop rotation practices; and the adaptability of the soil to the growing of dark air-cured tobacco. The acreage available in each county may be used for establishing 1943 dark air-cured tobacco acreage allotments and for adjusting upward preliminary 1943 dark air-cured tobacco acreage allotments in the following order and under the following conditions;

- (a) The acreage by which 1943 preliminary allotments established under the provisions of Section 6 hereof exceeds the 1942 acreage allotments for such farms shall be deducted from the acreage apportioned to the county as provided above.
- (b) A preliminary 1943 dark air-cured tobacco acreage allotment may be established for a farm which grew dark air-cured tobacco in 1942 for which no dark air-cured tobacco acreage allotment was established in such year. Any such allotment shall not exceed the larger of five-tenths of one acre or 10 percent of the 1942 harvested acreage of dark air-cured tobacco.
- (c) The preliminary 1943 dark air-cured tobacco acreage allotment for any farm may be adjusted upward. Such adjustment shall not exceed the larger of 10 percent of the 1943 preliminary acreage allotment or one-half acre.

Any allotment established or adjusted as provided above shall be subject to the approval of the State committee.

Sec. 8. Reallocation of allotments released from farms removed from agricultural production.

- (a) Except as provided in subsection (b) of this section, the dark air-cured tobacco allotment determined or which would have been determined for any land which is removed from agricultural production because of acquisition by a State or Federal agency for any purpose or by a person for use in connection with the national defense program shall be available to State committees for use in providing equitable allotments for farms on which tobacco was grown in one or more

of the three years, 1940 through 1942 and which are operated in 1943 by persons who were producers of tobacco on land so removed from agricultural production. Insofar as possible, the allotments for farms operated by such persons shall be comparable to the allotments for other old farms in the same community which are similar with respect to land, labor and equipment available for the production of tobacco; crop rotation practices; soil and other physical factors affecting the production of tobacco, taking into consideration the allotment for the land removed from agricultural production. The allotment so determined shall be subject to the approval of the State committee and shall not exceed the larger of (1) the 1943 allotment previously determined for such land, or (2) the allotment which was or would have been determined for the land removed from agricultural production; provided, that in no event shall the allotment so determined exceed the larger of 20 percent of the acreage of cropland in the farm, or three acres.

(b) The allotment determined or which would have been determined for any land acquired on or since January 1, 1940 by any Federal agency for national defense purposes shall be placed in a State pool and shall be used in determining equitable allotments for farms owned or purchased by owners displaced because of acquisition of their farm by a Federal agency for national defense purposes. Upon application to the county committee, any owner so displaced shall be entitled to have an allotment for any one of the other farms owned or purchased by him equal to an allotment which would have been determined for such other farm, plus the allotment which would have been determined for the farm acquired by the Federal agency; provided, that such allotment shall not exceed 20 percent of the acreage of cropland in the farm. The provision of this subsection shall not be applicable if (1) there is any marketing quota penalty due with respect to the marketing of tobacco from the farm or by the owner of the farm at the time of its acquisition by the Federal agency, (2) any tobacco produced on such farm has not been accounted for as required by the Secretary, or (3) if the allotment next to be established for the farm acquired by the Federal agency would have been reduced because of false or improper identification of tobacco produced on or marketed from such farm.

Sec. 9. Reduction of acreage allotment for violation of the 1942-43 Marketing Quota Regulations. If tobacco was sold or was permitted to be sold on a marketing card for any farm which was produced on a different farm the acreage allotment established for each such farm for 1943 shall be reduced by the amount of tobacco so marketed; provided, that such reduction shall not be made if the Secretary, through the county committee, determines that no person connected with such farm during the 1942-43 marketing year caused, aided, or acquiesced in such marketing. If proof of the disposition of any amount of tobacco produced on a farm is not furnished, as required by the Secretary, the acreage allotment shall be reduced by such amount of tobacco.

The amount of tobacco involved will be converted to an acreage basis by dividing such amount of tobacco by the actual yield for the farm during the year in which such tobacco was produced.

Sec. 10. Farms subdivided or combined by reconstitution.

(a) If land operated as a single farm in 1942 or any previous year has subsequently been subdivided and will be operated in 1943 as two or more farms, the 1943 dark air-cured tobacco acreage allotment determined or which otherwise would have been determined for the entire farm shall be apportioned among the tracts in the same proportion as the acreage of cropland suitable for the production of dark air-cured tobacco on each such tract in such year bore to the total number of acres of cropland suitable for the production of dark air-cured tobacco on the entire farm in such year unless otherwise recommended by the county committee and approved by the State committee.

(b) If two or more farms operated separately in 1942 or any previous year have subsequently been combined and will be operated in 1943 as a single farm, the 1943 dark air-cured tobacco allotment shall be the sum of the 1943 dark air-cured tobacco allotments determined or which otherwise would have been determined for each of the farms composing the combination.

Sec. 11. Determination of normal yields. The normal yield for any farm shall be the average of the yields obtained on the farm during the years 1937-41, adjusted by the county committee so as to more accurately reflect the normal yield on the farm represented by the soil and other physical factors affecting the production of dark air-cured tobacco, by taking into consideration yields obtained on other farms in the locality which are similar with respect to such factors. The weighted average of the normal yields for all farms in each county shall not exceed the yield established for the county in 1942 unless an adjustment for abnormal conditions is made by the Secretary upon recommendation of the State committee.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

Sec. 12. Determination of acreage allotments for new farms. The dark air-cured tobacco acreage allotment other than an allotment made under subsection (b) of Section 8 for a new farm shall be that

acreage which the county committee determines is fair and reasonable for the farm taking into consideration each of the following factors:

- (a) The past dark air-cured tobacco experience of the farm operator;
- (b) The acreage of cropland in the farm suitable for dark air-cured tobacco production;
- (c) The acreage capacity of barns which are located on the farm and which are in usable condition and available for the curing of dark air-cured tobacco;
- (d) The customary crop rotation practices;
- (e) Adaptability of the soil to the growing of dark air-cured tobacco.

Provided, that the acreage allotment so determined shall be subject to approval by the State committee and shall not exceed the smallest of (1) one fifth of the total acreage of dark air-cured tobacco grown by the farm operator during the five years 1938 through 1942, (2) 75 percent of the average dark air-cured tobacco acreage allotment for old farms in the county, or (3) one acre.

Notwithstanding any other provisions of this section, a dark air-cured tobacco acreage allotment shall not be established for any new farm unless the following conditions have been met:

- (a) The farm operator shall have had two years or more experience in growing dark air-cured tobacco as a share-cropper, tenant, or as a farm operator during the past five years;
- (b) The farm operator shall be living on the farm and largely dependent on this farm for his livelihood;
- (c) The farm covered by the application shall be the only farm owned or operated by the farm operator on which any tobacco is produced;
- (d) There is a dark air-cured tobacco curing barn in condition for use on the farm; and
- (e) No kind of tobacco other than dark air-cured tobacco will be grown on such farm in 1943.

The dark air-cured tobacco acreage allotments established as provided in this section shall be subject to such downward adjustment as is necessary to bring such allotments in line with the total acreage available for allotment to all new dark air-cured tobacco farms.

The dark air-cured tobacco acreage available for establishing allotments for new farms shall be one-tenth of one percent of the national allotment for dark air-cured tobacco.

Sec. 13. Time for filing application. In order to obtain an allotment for a new dark air-cured tobacco farm in 1943, the operator of the farm shall file an application for such allotment with the county committee prior to February 1, 1943.

Sec. 14. Determination of normal yields. The normal yield for a new farm shall be that yield per acre which the county committee determines is reasonable for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of dark air-cured tobacco are similar.

(SEAL)

Done at Washington, D. C.
this 21st day of January 1943.
Witness my hand and the seal of
the Department of Agriculture

/s/ Claude R. Wickard
Secretary of Agriculture.